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1750–1921

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PREFACE

The elections to Indian legislative bodies at the end of 1920 mark a definite epoch in the history of the British Empire in India; they signify the close of the period of the preparation of the people of India to take a decisive part in the moulding of their own destinies, and herald the time when India will possess full autonomy and will rank as an equal with the Dominions and the United Kingdom itself as a member of the British Commonwealth. The assurance that this status would be attained at no distant date was the moving cause which induced the Allied and Associated Powers to accord to India full membership as a unit of the British Empire in the League of Nations, and, although some time must elapse before the goal is reached, the period may be almost indefinitely shortened if the Indian ministers, into whose hands the suffrage of the people entrusts the power conceded by the new constitution, display in the constructive work of administration the high qualities of statesmanship which the ability of their criticism on the old régime indicates them to possess.

The grant of the constitution of 1919 was undoubtedly accelerated by the events of the European war, for the loyalty of the Indian people to the cause of justice and liberty and the splendid services of the forces of India elicited a warm response from the people of the United Kingdom, and persuaded statesmen

that, however strongly caution and delay appeal to the British temperament in matters political, there is a time when the true wisdom lies in a generous enthusiasm to incur risks in an honourable endeavour to meet legitimate aspirations. But the action of 1919 was only possible because it was the logical outcome of the whole trend of the exercise of British sovereignty in India. As in Egypt, so in British India the aims of the British Government have never been set merely on the maintenance of effective administration and the just exercise of civil and criminal jurisdiction ; they have been directed, more or less consciously and more or less effectively from time to time, to producing in India the measure of political capacity among its people which would render it possible to entrust them with their own government with the assurance that no irremediable ills would result. Tardy the process may seem, but it behoves a statesman to remember that a few decades are as nothing in the annals of a mighty nation, that the principles of constitutional liberty were of gradual and painful growth in the United Kingdom itself, and that, transplanted to India, they were slow to take root in a soil at first cold and uncongenial to them. Nor may we forget that, if Englishmen have been found to deny the applicability of Parliamentary institutions to India, there are Indians who hold that, as Indian art obeys canons of a higher spirituality and deeper significance than those of Western art, so the ancient polity of the Hindu kingdom—rude and barbarous as

Westerns deem it—represents the true ideal of Indian government. As often, extreme views meet and oppose a stubborn, if frequently unavowed, resistance to the realization of the essential fact that, while the past has its lessons for us, we cannot hope to meet the needs of the future by the vain effort to restore an ancient order which has fulfilled its purpose,

> yielding place to new
> Lest one good custom should corrupt the world.

However this may be, it is at least certain that the position of India, at the moment when the officers of the East India Company began the process which was not to end until the British Crown exercised sovereignty or suzerainty over all but an insignificant portion of the peninsula, was far removed from either the ideal period of Hindu rule or even the effective, if somewhat crude, administration established by the wisdom and tolerance of the great Akbar. The austere fanaticism of Aurangzeb shattered the possibility of the maintenance of an Empire based on the loyalty of Mahomedan and Hindu alike ; long before the death of the aged Emperor in 1707, the formidable army created by Akbar had declined from its military prowess, and the forces of the Mogul were unfit to reduce to obedience the Mahrattas. Under his degenerate successors the ruin of the Empire proceeded with ever-increasing rapidity, and in 1739 Nadir Shah of Persia sacked Delhi, the Imperial city, and wrested Afghanistan from the crown of Hindostan. The Mahrattas aspired to seize the power from the nerveless hands of

the house of Timur, but their loose confederacy met with such disaster at Panipat from the Afghan chief, Ahmad Shah, in 1761, that the dream of a Mahratta empire of India perished for ever. Amid the confusion the Nawabs, or vice-gerents, disregarded more and more openly the nominal obedience which they owed to the Emperor, and European adventurers were encouraged to seek profit from the prevalent anarchy. The brilliance of the success of Dupleix in his intervention in the politics of Southern India, which brought with it a commercial monopoly, in the period from 1748–51 stirred the representatives of the East India Company to emulation, and the military ability of Robert Clive secured British predominance in the Carnatic. In Bengal the same result was the outcome of the hostility of the young Nawab Siraju-d daula, whose attack on Calcutta, followed by the tragic episode of the Black Hole, excited in the French Governor at Chandernagore the hope that utter ruin had befallen the English Company's venture in Bengal. The anticipation was falsified, and, though peace for the moment was patched up between the Company and the Nawab, suspicion of French intrigues was one of the causes which led to the decisive victory of Plassey, and the appointment as Nawab of Mir Jafar in 1757.

The intervention of the servants of the Company, at first sight remarkable in the agents of a trading company, becomes less strange when it is remembered that the nature of the enterprises undertaken by the Company

compelled its emissaries to provide themselves with troops and fortified places, and that Charles II had conferred upon them the right of carrying on war with local powers in case of need. But the exercise of delegated powers of sovereignty had hitherto been restricted, and it was characteristic of the genius of Clive that in 1759 he urged upon Pitt the merits of obtaining from the Emperor a grant of sovereign authority over Bengal, a proposal which even the commanding spirit of that statesman was fain to discourage. The result was untoward; Mir Jafar as a puppet of the Company was powerless to check its servants in their career of enrichment, and in 1760 gave way to Mir Kasim. This Nawab, more able and energetic than his predecessors, sought in vain to introduce reforms in the administration, but was met by the implacable hostility of the Calcutta Council to any measures likely to interfere with the conduct of the private trade whence, as a result of the miserable emoluments of their official positions, their fortunes were derived. The intolerable claim was persisted in that this private trade must be exempt from any dues, and, when Mir Kasim, in justice to the Indian traders, cancelled the dues levied on their trade also, the Council, despite the protests of the President Vansittart and Warren Hastings, then Resident at Kasimbazar, demanded their reimposition. The ghastly massacre of almost all the Europeans in his power by which the distracted Nawab met this unjust demand was decisively revenged by Major Munro at Buxar on 23 October,

1764, when the forces of the Nawab, and of the Nawab of Oudh, the Vizier of the Emperor Shah Alam, were utterly routed. The Company, however, recognized the gravity of the situation in regard to the misgovernment of Bengal, and dispatched Clive, now a baron in the peerage of Ireland, to inaugurate reforms. Clive, however, had receded from the standpoint of 1759, and no longer contemplated the exercise of sovereignty by the Company; the stubborn resistance of Mir Kasim's forces at Buxar had impressed upon him the danger lest 'the natives, left without European allies, would find in their own resources means of carrying on war against us in a much more soldierly manner than they ever thought of when their reliance on European allies encouraged their natural indolence'. His measures, therefore, were half-hearted; the Emperor, who, after Buxar, had accepted a position of dependence on the Company, was induced to grant to the Company the Diwani, or right of collecting the revenues of Bengal, Behar, and Orissa, in return for an annual grant of 26 lacs and the assignment of the districts of Allahabad and Kora, which the Nawab of Oudh was required to surrender. As Mir Jafar, who had replaced Mir Kasim as Nawab of Bengal, was dead and his successor a mere boy, the Company, which was entitled under the Imperial grant to assume direct control of the collection of the revenue and the civil jurisdiction connected with it, might easily have stood forward as effective rulers of Bengal. But the fatal plan was adopted of

evading direct responsibility; the military and police jurisdiction of the Nawab was entrusted to a deputy of the Nawab, Muhammad Raza Khan, while the duties of the Diwani were divided between that officer for Bengal, and a Hindu, Maharaja Shitab Rai, for Behar. No really effective steps were taken to secure the cultivators from excessive taxation, and Parliament tacitly connived at the misgovernment by requiring in 1767 an annual payment of £400,000 from the Company as the price of permission to remain in possession of the territories acquired by it in India.

The Directors, conscious of the growing evils of a system whose worst effects became more obvious after Clive's return in 1767, sought to check exactions by the appointment in 1769 of supravisors, but the remedy was inadequate, and the terrible famine of 1770, which reduced by a third the population of Bengal, brought home to the Directors, who had to ask for a remission of the payment due to the government, the necessity of a vital change, at the same time as it impressed upon Parliament the necessity of taking further measures regarding the control of the territories whose acquisition by the Company necessarily brought them under the sovereign authority of the Crown. The Directors instructed Warren Hastings to assume the Presidency in Bengal, while under North's Act of 1773 he became in 1774 Governor-General with some measure of authority over the administrations at Madras and Bombay, though subject to the control of a Council which devoted its energies to

hampering and thwarting him, until the death of Colonel Monson in 1776 enabled him by the use of his casting vote to secure the acceptance of his policy. The services rendered by Warren Hastings, despite innumerable difficulties, were of the highest merit and assured the foundation of the British dominion in India. Averse from projects of conquest, he yet designed the establishment of British influence throughout India ; he assumed full responsibility for the whole administration of Bengal, and impressed on his subordinates that they owed a duty to the people whose affairs they administered paramount to all private interest. He established courts for the due administration of both civil and criminal justice, and he was the first to recognize the claims of Hindu and Mahomedan law to be respected in the administration of justice. In his revenue administration he adopted the principle of making a detailed assessment based on careful inquiry in each district, and, while giving security to the Zemindars who farmed the revenue, by fixing the assessment for five years he conferred on the ryots, who were the actual cultivators, the protection of formal contracts, to save them from the variable and excessive exactions to which they had hitherto been exposed.

Hastings had deserved well alike of the Company, the British Government, and the people of India ; he had restored the finances of the Company, had established British power in India, and had aimed at a just and impartial rule. But the means at his disposal were

scanty, his colleagues refractory, his opponents versed in Eastern statecraft, and he had at times recourse to methods unworthy of the high principles by which his actions were guided under normal conditions. These errors, magnified by the malignance of Francis and by personal jealousy, availed to deprive him of the honours which had been the just reward of his illustrious services, and to involve him in the cruel delays of an impeachment which, begun on 13 February, 1788, ended on 23 April, 1795, by his honourable acquittal. No candid judgement can deny the justice of the decision of the House of Lords: no one can excuse the intolerable delays of a trial which proved that the weapon of impeachment had grown too rusty for modern use. But there is a side to the problem which the vindicators of Hastings are prone to overlook. Specific and grave charges were alleged against him, which it was only right that a court of justice should sift, and, although the accused was guiltless of the crimes alleged against him, the burning eloquence of Burke remains a noble monument of the principle that British rule, even in the remotest lands, must rest on impartial justice, and that the exercise of sovereign power is justifiable only in so far as it aims at the good of the subjects to whom it extends.

The rivalry of Hastings's colleagues with the Governor-General had been of value in focussing more and more closely the attention of Parliament on India, and Pitt's Act of 1784 asserted in the clearest manner the right of the British Government to control Indian policy by subjecting the Directors to the supervision of a

new department of state, the Board of Control. In 1793 this department, hitherto under a Secretary of State, was reorganized by the appointment of a President, who became the minister responsible to Parliament for the conduct of British relations with India. The Company retained the right of making appointments, but the Board might recall any officer from India. It was declared that to pursue schemes of conquest in India was contrary to the wish, the honour, and the policy of the nation, and aggressive wars were forbidden save with the consent of the Court of Directors or its Secret Committee. Parliament thus disavowed ideas of dominion, but facts proved too strong to be resisted. Lord Cornwallis redeemed the surrender of Yorktown by the overthrow of Tipu Sahib, who had usurped the throne of Mysore, at Seringapatam, and concluded in 1792 a defensive alliance with the Mahrattas and the Nizam of Hyderabad, in order to secure the three powers the peaceful enjoyment of the cessions of territory which they had imposed on Tipu. Cornwallis, however, was anxious to conform to the desire of the Company, and devoted much care to internal reforms. He succeeded in securing adequate salaries for the Company's servants, who, relieved from the necessity of seeking illegitimate gains, developed a high degree of efficiency and devotion to duty; and he carried out, partly on lines planned by Hastings, a series of judicial reforms, under which criminal jurisdiction was transferred to British hands, civil jurisdiction was separated from revenue administration, and an elaborate

system of local courts was called into being. His judicial changes were only partly successful in achieving their objects. Cornwallis had an exaggerated distrust of the exercise of criminal jurisdiction by Indian officials, and it was found necessary in 1835 to restore to the collectors the magisterial powers of which he had deprived them in deference to the doctrine of the separation of powers. The achievement normally associated with his name, the permanent settlement of Bengal, is now generally admitted to have been a serious error; under it the Zemindars, whose office of tax collector had often become hereditary, were converted into landholders, and the actual cultivators of the land degraded into the position of tenants. The same conservatism in Cornwallis's disposition induced him to support the desire of the Company to secure in 1793 the renewal for a further period of twenty years of the monopoly of trade granted in 1773, while the government had already shown their appreciation of his services by accepting the advice, which Warren Hastings had vainly urged upon them, and by securing an amendment to the Act of 1784 empowering the Governor-General to override the views of his Council, if on mature deliberation he deemed it necessary to do so.

Cornwallis's successor, Sir John Shore, obeyed to the letter the injunction to avoid interference in Indian politics, and permitted the Nizam to suffer defeat in 1795 at the hands of the Mahrattas, while his tame surrender to the mutinous demands of the military officers induced the Company to secure his recall. Lord Wellesley,

who took his place in 1798, adopted with the doubtful approval of the Directors a course diametrically opposed; the Nizam, who had fallen under French influence, was recalled to his allegiance; Tipu Sahib for the same reason was attacked and killed in 1799, and a scion of the former line placed in subordinate alliance on the throne of Mysore. The territories of Arcot and Tanjore were annexed by agreement, and the Carnatic was appropriated, again on the ground of disloyalty. The Nawab of Oudh was compelled to cede valuable territories, now included in the Province of Agra, in the same year. The Mahrattas remained the only serious enemy, but internal disunion paralysed their efforts; military operations of great brilliance forced the Peshwa in 1802, the Bhonsla Raja of Berar and Nagpur and Sindia in 1803, to accept the terms imposed by the Governor-General. Holkar, who remained recalcitrant, met with severe defeats in 1804; but a rash attack on Bharatpur failed in 1805, and the Directors had already tired of the new policy, and had secured the recall of the too ardent Wellesley. Despite his devotion to his plan of establishing the British power as paramount in India, Wellesley was not unmindful of the needs of the civil administration; he laid great stress on the establishment of a college at Calcutta for the training of the civil servants of the government, recognizing that the demands on their talents were such as to require specialized preparation for the performance of their duties. The Directors vetoed his proposal, but in 1809 the East India Company's College at Haileybury came into

being with a curriculum of studies such as Wellesley had foreshadowed. The Governor-General also never failed to appreciate the relation of India to the war with France; his prescience secured the refusal to surrender Pondicherry during the brief interlude of the treaty of Amiens, and Indian troops dispatched by him arrived in Egypt in 1801 prepared to take part in the operations which had just terminated against the French invaders, an episode without parallel until Indian troops were brought to Malta in 1878 to support Lord Beaconsfield's diplomacy against Russia, and until Indian troops landed in France in 1914.

Cornwallis, sent out again to restore the policy of inactivity, died shortly after his arrival, but the policy of the Directors was faithfully observed by Sir George Barlow, who assumed office as senior member of Council and tried to preserve peace with the Mahrattas by undertaking to permit them to deal at their pleasure with the Rajput states. A more worthy spirit was shown by Lord Minto, who sought by the dispatch of envoys to Persia, Afghanistan, and to Amritsar, to counteract the possibilities of French intrigue; the failure of the first two of these missions was redeemed by the success of Charles Metcalfe, who procured in 1809 the assent of Maharaja Ranjit Singh to a treaty extending British power from the Jumna to the Sutlej. Forces based on India reduced Mauritius, the Moluccas, and Java, and the internal administration reflected the prudence of the Governor-General so effectively that the Select Committee of the House of Commons which reported on the state of Indian affairs in 1812, in anticipation of

the expiry of the term granted to the Company in 1793, came without hesitation to the conclusion that 'the dominion exercised by the East India Company has on the whole been beneficial to the natives'. The inevitable result followed in the renewal of the governing powers of the Company for a further period of twenty years. Its commercial monopoly, save as regards the tea trade, was withdrawn; but Lord Grenville's proposal that the Crown should assume direct control, and the civil service be recruited by a limited competition among nominees of the public schools, was rejected by a Parliament reluctant to deal with the vexed question of patronage. The admission of missionaries, a grave question on which Minto had expressed strong views, was hotly debated, and finally conceded subject to licence, while the appointment of a Bishop of Calcutta and three archdeacons paid from Indian funds marked the recognition of the justice of securing the due administration of spiritual benefits to the British population.

The Mahrattas still remained in large measure independent, while disorder was spread in Hindostan by wandering hordes of Pathans and Pindaris, armed robbers, whose incursion into British territory in 1812 had roused the anxiety of Minto and the Directors. A further Pindari raid in 1816 was the prelude to the wars conducted under the orders of Minto's successor, the Marquess of Hastings, which resulted in 1817–19 in the overthrow of the Bhonsla Raja and the annexation of part of his territory, the chastisement of Sindia and Holkar, and the

extinction of the political power of the Peshwa. Within the limit of India proper the paramount power of the British was now established, though the boundaries of India were to be enlarged in 1843 by the annexation of Sind, without adequate justification, and by the taking over of the Punjab in 1849, after two wars had proved that peace could not otherwise be attained. British sovereignty was further extended, in the main by Lord Dalhousie, through the application of direct British rule to territories on the failure of legitimate heirs, while the insensate arrogance of the kings of Burma resulted in large cessions of their dominions in 1826 and 1852. The loyal alliance of Nepal was secured in 1816 on just and equitable terms. Very different results were attained by the policy of intervention in Afghanistan to which Lord Auckland was moved in 1838 by fears of Russian intrigue, and his successor, Lord Ellenborough, wisely abandoned in 1842 an intervention which had cost the British arms the most serious defeat ever inflicted upon them in India.

The establishment of Britain as the paramount power was accompanied by marked indications of growing enlightenment of policy; the settlement methods of Cornwallis were rejected by Elphinstone in Bombay after the Peshwa's downfall, by Metcalfe at Delhi, and by Munro in Madras, all of whom adopted methods based on the desire to respect the indigenous customs which Cornwallis had ignored. To Lord William Bentinck as Governor-General from 1828–35 belongs the credit of facing honestly the obligation of seeking the moral improve-

ment of the people, while respecting their religious beliefs. The difficulty of the position is exposed in his famous minute on the suppression of Sati, on which after deep thought he boldly resolved despite the advice of many experienced administrators. In the case of Thuggee, with the abolition of which Sir William Sleeman's name is inseparably connected, the practices of the stranglers who immolated their victims in honour of Kali had not the sanction of antiquity or of the lawgivers of the past. Bentinck also had the wisdom to realize that both financial considerations and the dictates of justice required that Indians should be freely admitted into the public service ; the system inaugurated by Cornwallis was largely recast ; Indians were readily appointed to executive and judicial office as subordinate judges : the provincial courts which had proved cumbrous and useless were abolished ; certain judicial duties were imposed on collectors of revenue, and the office of district magistrate combined with that of collector ; Commissioners of Revenue and Circuit were established, save in Madras, to supervise and co-ordinate the work of collectors in their various functions, and the system of Boards of Revenue was extended by the creation of one at Allahabad. The scheme of administration thus assumed largely the form which it has since preserved, and, though now capable of improvement, undoubtedly it long served effectively the ends of its creators.

The Directors in their selection of Bentinck had not been unmindful of the importance of

satisfying Parliament of their care for the progress of India, and they were rewarded by the favourable views of the Parliamentary Committee which reported in 1833 on the affairs of the Company. The Committee laid down as 'an indisputable principle that the interests of the native subjects are to be consulted in preference to those of Europeans, whenever the two come in competition', and they pressed for the recognition of Indian law, and the extension of the employment of Indians in all the branches of the Company's service. Parliament in 1833 gave effect to their recommendations; the Company ceased to be permitted to engage in trade, and became merely an agency for the government of India; the paramount position of the British was recognized by the change of the Governor-General's designation to Governor-General of India, and the number of the Council, fixed at three in 1784, was increased by the addition of a Legal Member, charged with the codification of Indian laws. To the Governor-General in the augmented Council was given the sole power of legislation for India, to the supersession of the right of issuing regulations possessed by the governments of Bengal, Madras, and Bombay under George I's charter in 1726 and the Act of 1813, a measure rendered expedient *inter alia* by the decision to permit the free entry of British subjects into India. On Macaulay, whose exposition of the Bill of 1833 in the House of Commons is an excellent example of his more subdued eloquence, fell the duties of Legal Member of Council; his work in codification bore fruit later in the Penal Code and the

codes of Civil and Criminal Procedure, but his influence was more immediately felt in the sphere of education. As early as the Act of 1813 a lac of rupees annually had been destined for 'the revival and improvement of literature, and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories in India', but disputes as to the objects on which it should be expended had been in progress between those who advocated the claims of Sanskrit and Arabic and the supporters of Western learning. Macaulay with a profound ignorance of the classical languages of India pronounced in favour of the Anglicists, and Bentinck's resolution of 7 March, 1835, secured for English the position of the official and literary language of Indian government, while the simultaneous foundation of the Calcutta Medical College opened the way to the assimilation by India of Western scientific methods, which were to enrich in due course the world of scientific thought. Bentinck had shown great consideration in his exercise of control over the Indian press, and Sir Charles Metcalfe, who acted as Governor-General on his retirement, abolished all restrictions on its activity. Thus the press remained free until 1878, when Lord Lytton's government found it necessary to impose restrictions—withdrawn in 1882—on the vernacular press, while the growth of sedition evoked further legislation in 1908, 1910, and during the War.

Lord Auckland's régime wasted its strength

in the folly of the war with Afghanistan, but Lord Ellenborough's colleagues secured the abolition in 1843 of the legal status of slavery in India. While avoiding social disturbance Sir Henry Hardinge's overthrow of the Sikhs was accompanied by efforts to induce the Native States to put an end both to Sati and infanticide, while a campaign was set on foot against the human sacrifices practised in the hill tracts of Orissa. The efficiency of the administration steadily improved, and in 1853 Parliament extended the Company's rule without specification of date, at the same time opening to competition the covenanted civil service, providing for a provincial administration in Bengal, and adding two judges, and four representatives of the local governments of Madras, Bombay, Bengal, and Agra, to the Legislative Council of the Governor-General, while the Legal Member was admitted to meetings of the Executive Council of the Governor-General. Dalhousie's activity covered every branch of administration: an efficient Public Works Department was created, roads constructed, railways begun, the electric telegraph installed, irrigation promoted, and cheap postal rates introduced. Reforms were inaugurated in prison administration and effective attention paid to vernacular education. The annexation of the Punjab, of Oudh, of Nagpur, and of other minor territories consolidated British India, while an admirably conducted campaign added Pegu to the Empire.

The complacency with which Dalhousie reviewed the events of his eight years of work in

1856 on quitting office proved to be painfully unjustified. The mutiny of the Bengal army in 1857, supported by elements of the civil population, proved that the Company's administration, despite its merits, had failed to keep in effective touch with Indian opinion. The changes which ensued on the restoration of order were motived by the recognition of this cardinal error. In the first place, the direct responsibility of the Crown for the government of India was avowed, and the immediate sovereignty of the Queen received on 1 January, 1877, formal recognition by the assumption of the title of Empress of India. The protests of the Directors against the extinction of their control, ably presented in their petition to Parliament, were brushed aside by the Prime Minister and the Chancellor of the Exchequer in their support of the Government of India Bill. Secondly, the national sentiment of India was respected by the decision to avoid any extension of the area of direct British control in India ; on the other hand, the government ceased to remain indifferent to the character of the administration of the Native States, and its suzerain powers were used to encourage that development of effective government which has honourably distinguished these territories. Mysore, under direct administration from 1831–81, was rendered in the latter year to the rule of the Maharaja, and the effective loyalty of that state, of Hyderabad, and of the other Native States was brilliantly displayed in the European war. In the third place, the necessity was recognized of securing a wider measure of

co-operation, both Indian and European, in the framing of legislative measures. 'It is a great evil', Sir Bartle Frere wrote in 1860, 'of the present system that Government can rarely learn how its measures will be received, or how they are likely to affect even its European subjects, until criticism takes the form of settled and often bitter opposition.'

The development, however, of the plan of securing more effective Indian aid in government was hampered at the outset by unexpected difficulties. The Mutiny had emphasized the necessity of a strong government, and there was reluctance to take any measure likely to weaken it by division of authority, while the Legislative Council established in 1853 had shown a tendency to convert itself into a replica of Parliament and to claim control of the executive. The Indian Councils Act of 1861, therefore, while expanding the Governor-General's Legislative Council and restoring legislative powers to the provinces, limited their authority to legislation only. To Lord Dufferin belongs the credit of recognizing the need of advance, and a more generous measure was passed in 1892, which opened the way to the presence of elective members by sanctioning the making of rules allowing representative bodies in India to elect candidates for nomination by the government. The powers of the Councils were also increased by permitting members to ask questions and allowing a discussion, though not voting, on the budget. The reforms of Lord Minto and Lord Morley were evoked by the growth of political aspirations in India, favoured by the result of the Russo-Japanese

war of 1904–5, and by the disconcerting realization that the government had been unable to foresee the deep irritation which would be produced by such measures as the Universities Act of 1904, and the partition of Bengal in the following year. The Act of 1909 made discussion on the budgets real by permitting divisions, conceded the right of moving resolutions, and permitted supplementary questions ; it also opened the way to a reconstruction of the personnel of the Councils, under which that of Bengal had an elective majority, those of the other provinces had non-official majorities, and only on the Governor-General's Council was an official majority retained. At the same time, however, insistence was laid on the doctrine that the powers of the government must not be weakened ; Parliamentary government was ruled to be inapplicable as yet to India and any intention to introduce it was disclaimed. The concessions were followed in 1911 by the King Emperor's visit to India, and his announcement of the reversal of the policy of the partition of Bengal and of the creation of Delhi as the Imperial capital, both acts destined as graceful recognitions of the continuity of Indian history.

The anticipations of 1909 have been far outstripped by events. A shortsighted insistence on form had excluded India from the right of membership of the Imperial Conference when the constitution of that body was framed in 1907 ; but, when the meetings of the Imperial War Cabinet were summoned in 1917 and 1918, India, including the Native States, was accorded full membership both in the Cabinet meetings

and in the War Conferences held simultaneously. India also was granted the right of representation by a special delegation at the Peace Conference of 1919, and the treaties of peace were signed separately for India, to which was accorded full membership as part of the Empire in the League of Nations. In internal matters the necessity of creating electorates and training ministers in administration has prevented the immediate grant of complete Dominion self-government; but, even if we may hold that a fuller measure of responsibility might have immediately been conferred on ministers, the fact remains that a sure path is now open by which the goal of complete autonomy within the Empire may be attained, and the British dominion in India fulfil the assurance of Sir Thomas Munro in 1824 that 'if we pursue steadily the proper measures, we shall in time so far improve the character of our Indian subjects as to enable them to govern and protect themselves'. This dictum of one of the ablest of Indian administrators reminds us that India cannot attain full self-government until the Indian army is prepared, without British aid, to maintain internal order and repel the attacks of frontier tribes, and the creation of such a force must inevitably occupy a considerable period and involve close and cordial co-operation between the British and Indian governments and peoples.

A. BERRIEDALE KEITH.

CONTENTS TO VOL. I

PAGE

PREFACE v

I. THE EAST-INDIA COMPANY AND THE FOUNDATION OF BRITISH INDIA, 1750–1858

1. The French Council at Chandernagore to the Superior Council in the Isle of France, 16 December, 1756 3
2. Colonel Clive to the Secret Committee of the Directors, 26 July, 1757 6
3. Colonel Clive to the Right Hon. William Pitt, 7 January, 1759 13
4. The Directors to Lord Clive, 26 April, 1765 19
5. Firman from Shah Alam granting the Diwani of Bengal, Behar, and Orissa to the East India Company, 12 August, 1765 . . 20
6. Treaty between the Nawab Shujau-d daula, of Oudh, the Nawab Najmu-d daula, of Bengal, and the East India Company, 16 August, 1765 28
7. East India Company Act, 1767 (7 Geo. 3, c. 57) 30
8. Warren Hastings to the Court of Directors, 11 November, 1773 34
9. East India Company Act, 1773 (13 Geo. 3, c. 63) 45
10. Warren Hastings to Lord Mansfield, 21 March, 1774 60

I

THE EAST INDIA COMPANY AND THE FOUNDATION OF BRITISH INDIA, 1750–1858

1. *The French Council at Chandernagore to the Superior Council in the Isle of France, 16 December 1756*

We think, gentlemen, you will be astonished to learn the principal circumstances of the revolution which has just driven the English from all their Settlements in Bengal. We will give you a very brief account of them.

The Nawab, Siraj-uddaula, having, contrary to every one's expectation, succeeded his grandfather Aliverdikhan, in the month of April, as *Suba* of Bengal, the English had speedily a most terrible experience of the violent and passionate character of this young Prince, whom they had irritated by their arrogance and the shelter they had given to one of his enemies. Driven to extremities by their bravados, he first treacherously seized a little fort which they had near the capital, and then came with a formidable army to besiege them in Calcutta, which was their chief Settlement on the Ganges.

The vanity of the English having persuaded them the Moors would never dare to venture so far, they were so surprised and terrified that they lost their heads and could not profit by any of those advantages which Europeans have over such contemptible troops. Though numbering six hundred whites, well provided with all sorts of munitions and sheltered in a regular fort, they made scarcely any resistance at all after the Nawab's arrival. The Governor himself, Mr. Drake, with the Commandant of the troops, the greater part of the Council, officers and inhabitants, and all the women, took refuge on board the ships

which were in the port. The few soldiers, who had remained in the fort, refusing to recognize any authority, disorder prevailed to such an extent that the white flag was displayed on the afternoon of the 20th, i. e. after three days' siege. But the Moors, before the capitulation was arranged, crowded to the gates and, as no one fired on them, easily burst them in and entered, killing all who tried to resist. The plunder in the Settlement and fort was immense as the English had not taken the precaution to embark their wealth.

That was, so to say, the beginning of their ills. The prisoners to the number of two hundred having been hurriedly shut up in a warehouse were almost all suffocated in one night. Those who survived, especially the chief men, after having suffered all kinds of misery and after having been dragged in chains to Murshidabad, the capital of Bengal, were sent back to us by the Nawab in the most deplorable condition, which we tried to alleviate in every possible way.

The lot of those saved in the ships has been hardly less wretched. Having with difficulty gained the mouth of the river, they have since endured all the bad weather of the rainy season, and at the same time been embarrassed by the numbers of women and children with whom their ships were crowded. This, joined to the bad provisions which were all they could obtain, quickly caused a kind of pestilential sickness which carried off many of them.

The capture of Calcutta drew with it the ruin of all the small factories which they possessed scattered over Bengal, and now they do not retain a single establishment in this kingdom. Since this

sad revolution only one vessel has arrived from Europe. It brought them two hundred and fifty men from Madras, but this reinforcement not being large enough, they have planned no enterprise so far. They expect every moment the arrival of a squadron of six ships of war and five of the Company's, which left the coast on the 14th October and which brings them one thousand Europeans and three thousand sepoys. There is no doubt that with these forces they will be strong enough to retake Calcutta, which is now defended by only a small number of Moors. But besides the fact that its capture will not recoup them . . . the colony being entirely ruined and plundered, it is not certain that they will be able to maintain themselves in it against all the forces of the Nawab. What is absolutely certain is that this war must derange commerce, as it drives all the merchants away.

Since the above was written the English squadron has arrived in the Ganges. The Director received a letter some days previously, by which M. Verrier, chief of the Surat factory, informed him that a small vessel, which was sent express by the English chief at Bassora and arrived at Bombay on the 5th October, brought letters from London intimating that war had been declared between France and England the 17th May preceding, that the Governor of Bombay had announced this by beat of drum in his island, and had immediately sent *pattamars* express to the Commander of the English squadron in the Roads at Balassore so that he might profit by this news and capture any of our vessels which were entering or going out of the Ganges. This news obliged us to postpone

the departure of the *Ruby*. But the frigate *Danae* which had just arrived having passed without any difficulty makes us think that the English, whom we cannot suppose ignorant of the aforesaid news, having other things to think of, do not intend to avail themselves of their superior forces against us, and the owners of the *Ruby* having in consequence determined to dispatch this vessel promptly in order to profit by these favourable circumstances, which make us suppose that the English think they must be careful in their behaviour towards us. Consequently we are going to work so as to dispatch the *La Favorite* as quickly as possible.

2. *Colonel Clive to the Secret Committee of the Directors, 26 July 1757*

I GAVE you an account of the taking of Chandernagore; the subject of this address is an event of much higher importance, no less than the entire overthrow of Nabob Suraj-u-Dowlah, and the placing of Meer Jaffier on the throne. I intimated, in my last, how dilatory Suraj-u-Dowlah appeared in fulfilling the articles of the treaty. This disposition not only continued but increased, and we discovered that he was designing our ruin, by a conjunction with the French. To this end Monsieur Bussy was pressingly invited to come into this province, and Monsieur Law of Cossimbazar (who before had been privately entertained in his service) was ordered to return from Patna.

About this time some of his principal officers made overtures to us for dethroning him. At the head of these was Meer Jaffier, then Bukhshee to the army, a man as generally esteemed as the

other was detested. As we had reason to believe this disaffection pretty general, we soon entered into engagements with Meer Jaffier to put the crown on his head. All necessary preparations being completed with the utmost secrecy, the army, consisting of about one thousand Europeans, and two thousand sepoys, with eight pieces of cannon, marched from Chandernagore on the 13th, and arrived on the 18th at Cutwa Fort, which was taken without opposition. The 22nd, in the evening, we crossed the river, and landing on the island, marched straight for Plassey Grove, where we arrived by one in the morning. At daybreak, we discovered the Nabob's army moving towards us, consisting, as we since found, of about fifteen thousand horse, and thirty-five thousand foot, with upwards of forty pieces of cannon. They approached apace, and by six began to attack with a number of heavy cannon, supported by the whole army, and continued to play on us very briskly for several hours, during which our situation was of the utmost service to us, being lodged in a large grove, with good mud banks. To succeed in an attempt on their cannon was next to impossible, as they were planted in a manner round us, and at considerable distances from each other. We therefore remained quiet in our post, in expectation of a successful attack upon their camp at night. About noon, the enemy drew off their artillery, and retired to their camp, being the same which Roy Dullub had left but a few days before, and which he had fortified with a good ditch and breastwork. We immediately sent a detachment, accompanied with two field-pieces, to take possession of a tank with high banks, which was advanced

about three hundred yards above our grove, and from whence the enemy had considerably annoyed us with some cannon managed by Frenchmen. This motion brought them out a second time; but on finding them make no great effort to dislodge us, we proceeded to take possession of one or two more eminences lying very near an angle of their camp, from whence, and an adjacent eminence in their possession, they kept a smart fire of musketry upon us. They made several attempts to bring out their cannon, but our advanced field-pieces played so warmly and so well upon them, that they were always drove back. Their horse exposing themselves a good deal on this occasion, many of them were killed, and among the rest four or five officers of the first distinction, by which the whole army being visibly dispirited and thrown into some confusion, we were encouraged to storm both the eminence and the angle of their camp, which were carried at the same instant, with little or no loss; though the latter was defended (exclusive of blacks) by forty French and two pieces of cannon; and the former by a large body of blacks, both foot and horse. On this, a general rout ensued, and we pursued the enemy six miles, passing upwards of forty pieces of cannon they had abandoned, with an infinite number of hackeries, and carriages filled with baggage of all kinds. Suraj-u-Dowlah escaped on a camel, and reaching Moorshedabad early next morning, dispatched away what jewels and treasure he conveniently could, and he himself followed at midnight, with only two or three attendants.

It is computed there are killed of the enemy about five hundred. Our loss amounted to only

twenty-two killed, and fifty wounded, and those chiefly blacks. During the warmest part of the action we observed a large body of troops hovering on our right, which proved to be our friends; but as they never discovered themselves by any signal whatsoever, we frequently fired on them to make them keep their distance. When the battle was over, they sent a congratulatory message, and encamped in our neighbourhood that night. The next morning Meer Jaffier paid me a visit, and expressed much gratitude at the service done him, assuring me, in the most solemn manner, that he would faithfully perform his engagement to the English. He then proceeded to the city, which he reached some hours before Suraj-u-Dowlah left it.

As, immediately on Suraj-u-Dowlah's flight, Meer Jaffier found himself in peaceable possession of the palace and city, I encamped without, to prevent the inhabitants from being plundered or disturbed; first at Maudipoor, and afterwards at the French factory at Sydabad. However, I sent forward Messrs. Watts and Walsh to inquire into the state of the treasury, and inform me what was transacted at the palace. By their representations I soon found it necessary for me to be present, on many accounts; accordingly, I entered the city on the 29th, with a guard of two hundred Europeans and three hundred sepoys, and took up my quarters in a spacious house and garden near the palace. The same evening I waited on Meer Jaffier, who refused seating himself on the musnud till placed on it by me; which done, he received homage as Nabob from all his courtiers. The next morning he returned my visit; when,

after a good deal of discourse on the situation of his affairs, I recommended him to consult Jugget Seit on all occasions, who being a man of sense, and having by far the greatest property among all his subjects, would give him the best advice for settling the kingdom in peace and security.

On this, he proposed that we should immediately set out together to visit him, which being complied with, solemn engagements were entered into by the three parties, for a strict union and mutual support of each other's interests. Jugget Seit then undertook to use his whole interest at Delhi (which is certainly very great), to get the Nabob acknowledged by the Mogul, and our late grants confirmed; likewise to procure for us any firmans we might have occasion for.

The substance of the treaty with the present Nabob is as follows :—

1st. Confirmation of the mint, and all other grants and privileges in the treaty with the late Nabob.

2ndly. An alliance, offensive and defensive, against all enemies whatever.

3rdly. The French factories and effects to be delivered up, and they never permitted to resettle in any of the three provinces.

4thly. 100 lacs of rupees to be paid to the Company, in consideration of their losses at Calcutta and the expenses of the campaign.

5thly. 50 lacs to be given to the English sufferers at the loss of Calcutta.

6thly. 20 lacs to Gentoos, Moors, &c., black sufferers at the loss of Calcutta.

7thly. 7 lacs to the Armenian sufferers.

These three last donations to be distributed at

the pleasure of the Admiral and gentlemen of Council, including me.

8thly. The entire property of all lands within the Mahratta ditch, which runs round Calcutta, to be vested in the Company: also, six hundred yards, all round, without the said ditch.

9thly. The Company to have the zemindary of the country to the south of Calcutta, lying between the lake and river, and reaching as far as Culpee, they paying the customary rents paid by the former zemindars to the government.

10thly. Whenever the assistance of the English troops shall be wanted, their extraordinary charges to be paid by the Nabob.

11thly. No forts to be erected by the government on the river side, from Hooghley downwards.

12thly. The foregoing articles to be performed without delay, as soon as Meer Jaffier becomes Subadar.

On examining the treasury, there were found about 150 lacs of rupees, which being too little to answer our demands, much less leave a sufficiency for the Nabob's necessary disbursements, it was referred to Jugget Seit, as a mutual friend, to settle what payment should be made to us; who accordingly determined, that we should immediately receive one half of our demand,—two thirds in money and one third in gold and silver plate, jewels, and goods; and that the other half should be discharged in three years, at three equal and annual payments.

The part to be paid in ready money is received and safely arrived at Calcutta; and the goods, jewels, &c., are now delivered over to us; the major part of which will be bought back by the Nabob

for ready money, and on the remaining there will be little or no loss. A large proportion was proposed to have been paid us in jewels ; but as they are not a very saleable article, we got the amount reduced one half, and the difference to be made up in money.

It is impossible as yet to form a judgement how much the granted lands will produce you, as the Europeans are quite ignorant of the extent of the country between the river and lake ; but, in order to give you some idea of the value, I'll venture to estimate it at ten lacs per annum. An officer on the part of the Nabob is already dispatched to Calcutta to begin the survey, in company with one of ours.

Suraj-u-Dowlah was not discovered till some days after his flight ; however, he was at last taken in the neighbourhood of Rajahmahul, and brought to Moorshedabad on the 2nd inst., late at night. He was immediately cut off by order of the Nabob's son, and (as it is said) without the father's knowledge. Next morning the Nabob paid me a visit, and thought it necessary to palliate the matter on motives of policy ; for that Suraj-u-Dowlah had wrote letters on the road to many of the zemindars of the army, and occasioned some commotions among them in his favour.

Monsieur Law and his party came as far as Rajahmahul to Suraj-u-Dowlah's assistance, and were within three hours' march of him when he was taken. As soon as they heard of his misfortunes, they returned by forced marches ; and, by the last advices, had passed by Patna, on the other side of the river. A party of Europeans and sepoys were quickly dispatched after them ; but I am

doubtful if we shall be able to overtake them before they get out of the Nabob's dominions. Strong letters have been wrote from the Nabob to the Naib of Patna, to distress them all in his power, and to take them prisoners if possible. A compliance with which I am in anxious expectation of.

I ought to observe, that the French I spoke of in the action were some fugitives from Chandernagore, who had assembled at Sydabad. It was by their advice, and indeed by their hands, that the English factory at Cossimbazar was burned and destroyed, after our gentlemen had quitted it on the renewal of the troubles.

The present Nabob has every appearance of being firmly and durably seated on the throne. The whole country has quietly submitted to him, and even the apprehension of an inroad from the side of Delhi is vanished; so that this great revolution, so happily brought about, seems complete in every respect. I persuade myself the importance of your possessions now in Bengal will determine you to send out, not only a large and early supply of troops and good officers, but of capable young gentlemen for the civil branches of your business.

3. *Colonel Clive to the Right Hon. William Pitt, 7 January 1759*

Sir,

Suffer an admirer of yours at this distance to congratulate himself on the glory and advantage which are likely to accrue to the nation by your being at its head, and at the same to return his

most grateful thanks for the distinguished manner you have been pleased to speak of his successes in these parts, far indeed beyond his deservings.

The close attention you bestow on the affairs of the British nation in general has induced me to trouble you with a few particulars relative to India, and to lay before you an exact account of the revenues of this country, the genuineness whereof you may depend upon, as it has been faithfully extracted from the Minister's books.

The great revolution that has been effected here by the success of the English arms, and the vast advantages gained to the Company by a treaty concluded in consequence thereof, have, I observe, in some measure, engaged the public attention; but much more may yet in time be done, if the Company will exert themselves in the manner the importance of their present possessions and future prospects deserves. I have represented to them in the strongest terms the expediency of sending out and keeping up constantly such a force as will enable them to embrace the first opportunity of further aggrandizing themselves; and I dare pronounce, from a thorough knowledge of this country government, and of the genius of the people, acquired by two years' application and experience, that such an opportunity will soon offer. The reigning Subah, whom the victory at Plassey invested with the sovereignty of these provinces, still, it is true, retains his attachment to us, and probably, while he has no other support, will continue to do so; but Musselmans are so little influenced by gratitude, that should he ever think it his interest to break with us, the obligations he owes us would prove no restraint: and this is

very evident from his having lately removed his Prime Minister, and cut off two or three principal officers, all attached to our interest, and who had a share in his elevation. Moreover, he is advanced in years ; and his son is so cruel, worthless a young fellow, and so apparently an enemy to the English, that it will be almost unsafe trusting him with the succession. So small a body as two thousand Europeans will secure us against any apprehensions from either the one or the other ; and, in case of their daring to be troublesome, enable the Company to take the sovereignty upon themselves.

There will be the less difficulty in bringing about such an event, as the natives themselves have no attachment whatever to particular princes ; and as, under the present Government, they have no security for their lives or properties, they would rejoice in so happy an exchange as that of a mild for a despotic Government : and there is little room to doubt our easily obtaining the Moghul's sunnud (or grant) in confirmation thereof, provided we agreed to pay him the stipulated allotment out of the revenues, viz. fifty lacs annually. This has, of late years, been very ill-paid, owing to the distractions in the heart of the Moghul Empire, which have disabled that court from attending to their concerns in the distant provinces : and the Vizier has actually wrote to me, desiring I would engage the Nabob to make the payments agreeable to the former usage ; nay, further : application has been made to me from the Court of Delhi, to take charge of collecting this payment, the person entrusted with which is styled the King's Dewan, and is the next person both in dignity and power to the Subah. But this high office I have been

obliged to decline for the present, as I am unwilling to occasion any jealousy on the part of the Subah; especially as I see no likelihood of the Company's providing us with a sufficient force to support properly so considerable an employ, and which would open a way for securing the Subahship to ourselves. That this would be agreeable to the Moghul can hardly be questioned, as it would be so much to his interest to have these countries under the dominion of a nation famed for their good faith, rather than in the hands of people who, a long experience has convinced him, never will pay him his proportion of the revenues, unless awed into it by the fear of the Imperial army marching to force them thereto.

But so large a sovereignty may possibly be an object too extensive for a mercantile Company; and it is to be feared they are not of themselves able, without the nation's assistance, to maintain so wide a dominion. I have therefore presumed, Sir, to represent this matter to you, and submit it to your consideration, whether the execution of a design, that may hereafter be still carried to greater lengths, be worthy of the Government's taking it into hand. I flatter myself I have made it pretty clear to you, that there will be little or no difficulty in obtaining the absolute possession of these rich kingdoms; and that with the Moghul's own consent, on condition of paying him less than a fifth of the revenues thereof. Now I leave you to judge, whether an income yearly of upwards of two millions sterling, with the possession of three provinces abounding in the most valuable productions of nature and of art, be an object deserving the public attention; and whether it

be worth the nation's while to take the proper measures to secure such an acquisition,—an acquisition which, under the management of so able and disinterested a minister, would prove a source of immense wealth to the kingdom, and might in time be appropriated in part as a fund towards diminishing the heavy load of debt under which we at present labour. Add to these advantages the influence we shall thereby acquire over the several European nations engaged in the commerce here, which these could no longer carry on but through our indulgence, and under such limitations as we should think fit to prescribe. It is well worthy consideration, that this project may be brought about without draining the mother country, as has been too much the case with our possessions in America. A small force from home will be sufficient, as we always make sure of any number we please of black troops, who, being both much better paid and treated by us than by the country powers, will very readily enter into our service. Mr. Walsh, who will have the honour of delivering you this, having been my Secretary during the late fortunate expedition, is a thorough master of the subject, and will be able to explain to you the whole design, and the facility with which it may be executed, much more to your satisfaction, and with greater perspicuity, than can possibly be done in a letter. I shall therefore only further remark, that I have communicated it to no other person but yourself; nor should I have troubled you, Sir, but from a conviction that you will give a favourable reception to any proposal intended for the public good.

The greatest part of the troops belonging to this

establishment are now employed in an expedition against the French in the Deckan; and, by the accounts lately received from thence, I have great hopes we shall succeed in extirpating them from the province of Golconda, where they have reigned lords paramount so long, and from whence they have drawn their principal resources during the troubles upon the coast.

Notwithstanding the extraordinary effort made by the French in sending out M. Lally with a considerable force the last year, I am confident, before the end of this, they will be near their last gasp in the Carnatic, unless some very unforeseen event interpose in their favour. The superiority of our squadron, and the plenty of money and supplies of all kinds which our friends on the coast will be furnished with from this province, while the enemy are in total want of every thing, without any visible means of redress, are such advantages as, if properly attended to, cannot fail of wholly effecting their ruin in that as well as in every other part of India.

May the zeal and the vigorous measures, projected for the service of the nation, which have so eminently distinguished your ministry, be crowned with all the success they deserve, is the most fervent wish of him who is, with the greatest respect,

Sir,
Your most devoted humble servant,
(Signed) Robt. Clive.

Calcutta, 7th January 1759.

4. *The Directors to Lord Clive, 26 April 1765*

Treaties of commerce are understood to be for the mutual benefit of the contracting parties. Is it then possible to suppose that the court of Delhi, by conferring the privilege of trading free of customs, could mean an inland trade in the commodities of their own country, at that period unpractised and unthought of by the English, to the detriment of their revenues and the ruin of their own merchants ? We do not find such a construction was ever heard of, until our own servants first invented it, and afterwards supported it by violence. Neither could it be claimed by the subsequent treaties with Meer Jaffier, or Cossim Ali, which were never understood to give one additional privilege of trade beyond what the firman expressed. In short, the specious arguments used by those who pretended to set up a right to it convince us they did not want judgement, but virtue to withstand the temptation of suddenly amassing a great fortune, although acquired by means incompatible with the peace of the country, and their duty to the Company.

Equally blameable were they who, acknowledging they had no right to it, and sensible of the ill consequences resulting from assuming it, have, nevertheless, carried on this trade, and used the authority of the Company to obtain, by a treaty exacted by violence, a sanction for a trade to enrich themselves, without the least regard or advantage to the Company, whose forces they employed to protect them in it.

Had this short question been put, which their duty ought first to have suggested, 'Is it for the

interest of our employers?' they would not have hesitated one moment about it; but this criterion seems never once to have occurred.

All the barriers being thus broken down between the English and the country government, and everything out of its proper channel, we are at a loss how to prescribe means to restore order from this confusion; and being deprived of that confidence which we hoped we might have placed in our servants, who appear to have been the actors in these strange scenes, we can only say, that we rely on the zeal and abilities of Lord Clive, and the gentlemen of the Select Committee, to remedy these evils. We hope they will restore our reputation among the country powers, and convince them of our abhorrence of oppression and rapaciousness.

5. *Firman from Shah Alam granting the Diwani of Bengal, Behar, and Orissa to the East India Company, 12 August 1765*

At this happy time our royal Firmaund, indispensably requiring obedience, is issued; that whereas, in consideration of the attachment and services of the high and mighty, the noblest of exalted nobles, the chief of illustrious warriors, our faithful servants and sincere well-wishers, worthy of our royal favours, the English Company, we have granted them the Dewanny of the Provinces of Bengal, Behar, and Orissa, from the beginning of the Fussul Rubby of the Bengal year 1172, as a free gift and ultumgau, without the association of any other person, and with an exemption from the payment of the customs of the Dewanny, which used to be paid to the Court. It is requisite

that the said Company engage to be security for the sum of twenty-six lakhs of rupees a year, for our royal revenue, which sum has been appointed from the Nabob Nudjum-ul-Dowla Behauder, and regularly remit the same to the royal Circar; and in this case, as the said Company are obliged to keep up a large army for the protection of the Provinces of Bengal, &c., we have granted to them whatsoever may remain out of the revenues of the said Provinces, after remitting the sum of twenty-six lakhs of rupees to the royal Circar, and providing for the expenses of the Nizamut. It is requisite that our royal descendents, the Viziers, the bestowers of dignity, the Omrahs, high in rank, the great officers, the Muttaseddees of the Dewanny, the managers of the business of the Sultanut, the Jaghirdars and Croories, as well the future as the present, using their constant endeavours for the establishment of this our royal command, leave the said office in possession of the said Company, from generation to generation, for ever and ever. Looking upon them to be assured from dismission or removal, they must, on no account whatsoever, give them any interruption, and they must regard them as excused and exempted from the payment of all the customs of the Dewanny and royal demands. Knowing our orders on the subject to be most strict and positive, let them not deviate therefrom.

Written the 24th of Sophar, of the 6th year of the Jaloos, the 12th of August 1765.

Contents of the Zimmun

Agreeably to the paper which has received our sign manual, our royal commands are issued, that in consideration of the attachment and services of

the high and mighty, the noblest of exalted nobles, the chief of illustrious warriors, our faithful servants and sincere well-wishers, worthy of our royal favours, the English Company, we have granted them the Dewanny of the Provinces of Bengal, Behar, and Orissa, from the beginning of the Fussul Rubby of the Bengal year 1172, as free gift and ultumgau, without the association of any other person, and with an exemption from the customs of the Dewanny, which used to be paid to the Court, on condition of their being security for the sum of twenty-six lakhs of rupees a year for our royal revenue, which sum has been appointed from the Nabob Nudjum-ul-Dowla Behauder; and after remitting the royal revenue and providing for the expenses of the Nizamut, whatsoever may remain we have granted to the said Company:

The Dewanny of the Province of Bengal.
The Dewanny of the Province of Behar.
The Dewanny of the Province of Orissa.

Firmaund from the King Shah Aalum for the Dewanny of the Province of Bengal, 1765

At this happy time our royal Firmaund, indispensably requiring obedience, is issued; that, in consideration of the attachment of the high and mighty, the noblest of exalted nobles, the chief of illustrious warriors, our faithful servants and sincere well-wishers, worthy of our royal favours, the English Company, we have granted them as a free gift and ultumgau, agreeably to the Zimmun, from the beginning of Rubby Tuccacooy-ul of the Bengal year 1172, the office of the Dewanny of the Khalsa Shereefa of the Province of Bengal (the Paradise of the Earth), with the conditional jaghire thereof,

without the association of any other person. It is requisite that our royal descendants, the Viziers, the bestowers of dignity, the Omrahs, high in rank, the great officers, the Muttaseddees of the Dewanny, the managers of the business of the Sultanut, the Jaghirdars and Croories, as well the future as the present, using their constant endeavours for the establishment of this our royal command, leave the said office in possession of the said Company, from generation to generation, for ever and ever. Looking upon them to be insured from dismissal or removal, they must, on no account whatsoever, give them any interruption, and they must regard them as excused and exempted from the payment of all the customs of the Dewanny and demands of the Sultanut. Knowing our orders on this subject to be most strict and positive, let them not deviate therefrom.

Written the 24th of Sophar, of the 6th year of the Jaloos, the 12th of August 1765.

Contents of the Zimmun

Agreeably to the paper which has received our sign manual, we have granted the office of the Dewanny of the Khalsa Shereefa of the Province of Bengal (the Paradise of the Earth), with the conditional jaghire thereof, as a free gift and ultumgau, to the high and mighty, the noblest of exalted nobles, the chief of illustrious warriors, our faithful servants and sincere well-wishers, worthy of our royal favours, the English Company, without the association of any other person from the beginning of the Rubby Tuccacooy-ul of the Bengal year 1172.

Fort William, 30th September 1765.

(A true copy.)

(Signed) ALEXANDER CAMPBELL, S.S.C.

[Similar separate Firmaunds were granted for Behar and Orissa.]

FIRMAUND FROM THE KING SHAH AALUM, CONFIRMING THE GRANTS OF BURDWAN AND THE REST OF THE COMPANY'S POSSESSIONS IN BENGAL TO THEM, 1765.

At this happy time our royal Firmaund, indispensably requiring obedience, is issued; that the Chucklas of Burdwan, Midnapore, and Chittagong, and also the Twenty-four Pergunnahs of Calcutta, &c. (the zemindarry of the high and mighty, the noblest of exalted nobles, the chief of illustrious warriors, our faithful servants and sincere well-wishers, worthy of our royal favours, the English Company), which were granted to the said Company in the time of Meer Mahomed Kossim, and Meer Mahomed Jaffier Khan, deceased; we, in consideration of the attachment of the said Company, have been graciously pleased to confirm to them, from the beginning of the Fussul Rubby of the Bengal year 1172, as a free gift and ultumgau, without the association of any other person. It is requisite that our royal descendants, the Viziers, the bestowers of dignity, the Omrahs, high in rank, the great officers, the Muttaseddees of the Dewanny, the managers of the business of the Sultanut, the Jaghirdars and Croories, as well the future as the present, using their constant endeavours for the establishment of this our royal command, leave the said Districts and Pergunnahs in possession of the said Company, from generation to generation, for ever and ever. Looking upon them to be insured from dismissal or removal, they must on no account whatsoever give them

any interruption, and they must regard them as excused and exempted from the payment of all manner of customs and demands. Knowing our orders on this subject to be most strict and positive, let them not deviate herefrom.

Written the 24th of Sophar, of the 6th year of the Jaloos, the 12th of August 1765.

Contents of the Zimmun

Agreeably to the paper which has received our sign manual, our royal commands are issued, that the Chucklas of Burdwan, Midnapore, and Chittagong, and also twenty-four Pergunnahs of Calcutta, &c. (the zemindarry of the English Company), which were granted to the said Company in the time of Meer Mahomed Kossim, and Meer Mahomed Jaffier Khan, deceased, be confirmed to the said Company, as a free gift and ultumgau, without the association of any other person.—

Chuckla of Burdwan.
Chuckla of Midnapore.
Chuckla of Chittagong.
The twenty-four Pergunnahs of Calcutta, &c. (the zemindarry of the English Company).

Fort William, 30th September 1765.

(A true copy.)
(Signed) ALEXANDER CAMPBELL, S.S.C.

ARTICLES OF AGREEMENT BETWEEN THE SHAH AALUM AND THE COMPANY.

The Nabob Nudjum-ul-Dowla agrees to pay His Majesty, out of the revenues of Bengal, Behar, and Orissa, the sum of twenty-six lakhs of rupees a year, without any deduction for batta on bills of exchange, by regular monthly payments, amounting

to rupees 2,16,666-10-9 per month ; the first payment to commence from the 1st of September of the present year : and the English Company, in consideration of His Majesty's having been graciously pleased to grant them the Dewanny of Bengal, &c., do engage themselves to be security for the regular payment of the same. It shall be paid month by month from the factory at Patna to Rajah Shitabroy, or whomsoever His Majesty may think proper to nominate, that it may be forwarded by him to the Court. But in case the territories of the aforesaid Nabob should be invaded by any foreign enemy, a deduction is then to be made out of the stipulated revenues, proportionable to the damage that may be sustained.

In consideration of Nudjuf Khan's having joined the English forces, and acted in His Majesty's service in the late war, His Majesty will be graciously pleased to allow him the sum of two lakhs of rupees a year to be paid by equal monthly payments : the first payment to commence from the 1st of September of the present year ; and, in default thereof, the English Company, who are guarantees for the same, will make it good out of the revenues allotted to His Majesty from the territories of Bengal. If the territories of Bengal should at any time be invaded, and on that account a deduction be made out of the royal revenue, in such case a proportionable deduction shall also be made out of Nudjuf Khan's allowance.

Dated the 19th of August 1765.

Fort William, 30th September 1765.

(A true copy.)

(Signed) Alexander Campbell, S.S.C.

Agreement between the Nabob Nudjum-ul-Dowlah and the Company.

The King having been graciously pleased to grant to the English Company the Dewanny of Bengal, Behar, and Orissa, with the revenues thereof, as a free gift for ever, on certain conditions, whereof one is that there shall be a sufficient allowance out of the said revenues for supporting the expenses of the Nizamut: be it known to all whom it may concern, that I do agree to accept of the annual sum of Sicca rupees 53,86,131-9, as an adequate allowance for the support of the Nizamut, which is to be regularly paid as follows, *viz.*: the sum of rupees 17,78,854-1, for all my household expenses, servants, &c., and the remaining sum of rupees 36,07,277-8, for the maintenance of such horse, sepoys, peons, bercundauzes, &c., as may be thought necessary for my suwarry and the support of my dignity only, should such an expense hereafter be found necessary to be kept up, but on no account ever to exceed that amount: and having a perfect reliance on ul-Miaeen Dowla, I desire he may have the disbursing of the above sum of rupees 36,07,277-8, for the purposes beforementioned. This Agreement (by the blessing of God) I hope will be inviolably observed, as long as the English Company's factories continue in Bengal.

Fort William, 30th September 1765.

(A true copy.)

(Signed) Alexander Campbell, S.S.C

6. *Treaty between the Nawab Shujau-d daula, of Oudh, the Nawab Najmu-d daula, of Bengal, and the East India Company, 16 August, 1765*

Article 1

A perpetual and universal peace, sincere friendship, and firm union shall be established between His Highness Shujah-ul-Dowla and his heirs, on the one part, and His Excellency Nudjum-ul-Dowla and the English East India Company on the other; so that the said contracting powers shall give the greatest attention to maintain between themselves, their dominions and their subjects this reciprocal friendship, without permitting, on either side, any kind of hostilities to be committed, from henceforth, for any cause, or under any pretence whatsoever, and everything shall be carefully avoided which might hereafter prejudice the union now happily established.

Article 2

In case the dominions of His Highness Shujah-ul-Dowla shall at any time hereafter be attacked, His Excellency Nudjum-ul-Dowla and the English Company shall assist him with a part or the whole of their forces, according to the exigency of his affairs, and so far as may be consistent with their own security, and if the dominions of his Excellency Nudjum-ul-Dowla or the English Company, shall be attacked, His Highness shall, in like manner, assist them with a part or the whole of his forces. In the case of the English Company's forces being employed in His Highness's service, the extraordinary expense of the same is to be defrayed by him.

Article 3

His Highness solemnly engages never to entertain or receive Cossim Ally Khan, the late Soubahdar of Bengal, &c., Sombre, the assassin of the English, nor any of the European deserters, within his dominions, nor to give the least countenance, support, or protection to them. He likewise solemnly engages to deliver up to the English whatever European may in future desert from them into his country.

Article 4

The King Shah Aalum shall remain in full possession of Cora, and such part of the Province of Illiabad as he now possesses, which are ceded to His Majesty, as a royal demesne, for the support of his dignity and expenses.

Article 5

His Highness Shujah-ul-Dowla engages, in a most solemn manner, to continue Bulwant Sing in the zemindarries of Benares, Ghazepore, and all those districts he possessed at the time he came over to the late Nabob Jaffier Ally Khan and the English, on condition of his paying the same revenue as heretofore.

Article 6

In consideration of the great expense incurred by the English Company in carrying on the late war, His Highness agrees to pay them (50) fifty lakhs of rupees in the following manner; viz. (12) twelve lakhs in money, and a deposit of jewels to the amount of (8) eight lakhs, upon the signing of this Treaty, (5) five lakhs one month after, and the

remaining (25) twenty-five lakhs by monthly payments, so as that the whole may be discharged in (13) thirteen months from the date hereof.

Article 8

His Highness shall allow the English Company to carry on a trade, duty free, throughout the whole of his dominions.

Article 9

All the relations and subjects of His Highness, who in any manner assisted the English during the course of the late war, shall be forgiven, and no ways molested for the same.

Article 10

As soon as this Treaty is executed, the English forces shall be withdrawn from the dominions of His Highness, except such as may be necessary for the garrison of Chumar, or for the defence and protection of the King in the city of Illiabad, if His Majesty should require a force for that purpose.

7. *East India Company Act, 1767* (*7 Geo. III, c. 57*)

An Act for establishing an agreement for the payment of the annual sum of four hundred thousand pounds, for a limited time, by the East India Company, in respect of the territorial acquisitions and revenues lately obtained in the East Indies.

Whereas the United Company of Merchants of England trading to the East Indies have proposed that a temporary agreement should be made in

relation to the territorial acquisitions and revenues lately obtained there; and have thereupon offered to pay, for the benefit of the public during the term of such agreement, the yearly sum of four hundred thousand pounds, by half-yearly payments. And whereas it may be for the benefit of the public, and the said Company, that a temporary agreement for the space of two years, should be made in regard to the said territorial acquisitions and revenues. Now we, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain, in Parliament assembled, do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said United Company of Merchants of England trading to the East Indies, and their successors, shall advance and pay into the receipt of His Majesty's Exchequer, for His Majesty's use, the sum of four hundred thousand pounds per annum, for and during the term of two years, to be computed from the first day of February, one thousand seven hundred and sixty-seven, by half-yearly payments of two hundred thousand pounds each; which half-yearly payments of two hundred thousand pounds shall become due on the first day of August, and the first day of February in each year; and shall be made on or before the twenty-fifth day of March next ensuing such first day of August, and on the twenty-ninth day of September next ensuing such first day of February respectively, in each year; the first of which half-yearly payments

shall become due on the first day of August, one thousand seven hundred and sixty-seven; and be made on or before the twenty-fifth day of March, one thousand seven hundred and sixty-eight; and in case the said United Company of Merchants of England trading to the East Indies, or their successors, shall make failure in any of the said payments hereby appointed to be máde into the receipt of His Majesty's Exchequer, on or before the respective days or times herein before limited; that then, from time to time, as often as such case shall so happen, the money, whereof such failure in payment shall be made, shall and may be recovered to His Majesty's use, by action of debt, or upon the case, bill, suit or information, in any of his Majesty's Courts of Record at Westminster, wherein no essoin, protection, privilege, or wager of law, shall be allowed, or any more than one imparlance; in which action, bill, suit or information, it shall be lawful to declare, that the said United Company of Merchants of England trading to the East Indies, or their successors, are indebted to His Majesty the moneys of which they shall have made default in payment, according to the form of this statute, and have not paid the same, which shall be sufficient; and in or upon such action, bill, suit or information, there shall be further recovered, to His Majesty's use, against the said United Company of Merchants of England trading to the East Indies, or their successors, damages, after the rate of fifteen pounds per centum per annum, for the respective moneys so unpaid, contrary to this act, together with full costs of suit; and the said United Company, and their successors, and all their stock, funds, and all other their estates

and property whatsoever and wheresoever, shall be, and are hereby made, subject and liable to the payment of such moneys, damages, and costs.

II. And it is hereby further enacted and declared by the authority aforesaid, that all the said territorial acquisitions and revenues, lately obtained in the East Indies, shall remain in possession of the said United Company, and their successors, during the said term of two years, to be computed from the said first day of February, one thousand seven hundred and sixty-seven.

III. Provided nevertheless, and be it further enacted by the authority aforesaid, that if the said United Company, or their successors, shall be dispossessed by any foreign Power of any part of the said territorial acquisitions or revenues, at any time or times before the expiration of the said term of two years, to be computed from the first day of February, one thousand seven hundred and sixty-seven ; then, and in every such case, and as often as such case shall so happen, the payment of the said annual sum of four hundred thousand pounds, for or in respect of the time or times during which the said Company, or their successors, shall remain so dispossessed, shall be reduced in such proportion to the whole of the said annual sum as the net income and profits of the territorial acquisitions and revenues, of which the said Company, or their successors, shall have been so dispossessed, shall have borne to the whole of the net income and profits of all the said territorial acquisitions and revenues, upon the average of the year preceding their being so dispossessed ; and if it shall happen that any payment or payments shall have been made, for or in respect of any time

or times during which the said Company, or their successors, shall have been so dispossessed as aforesaid, such proportional part of the moneys as shall have been so paid for or in respect thereof, or so much of such proportional part of the said moneys as shall not have been appropriated in manner herein after mentioned, shall be repaid and refunded at the said Receipt of the Exchequer to the said Company, or their successors; and, in lieu of the money which shall have been so appropriated, a sum equal thereto shall be paid to the said Company, or their successors, out of the fund commonly called the Sinking Fund; which payment is hereby charged upon the said Fund, and shall be made thereout, after paying, or reserving sufficient to pay, all previous charges thereupon; anything herein before contained to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, that the moneys which shall be paid into the Receipt of His Majesty's Exchequer, in pursuance of this Act, shall be there reserved to be disposed of and appropriated by Parliament.

8. *Warren Hastings to the Court of Directors, 11 November 1773*

Honourable Sirs,

I have been duly honoured with your letter of the 16th April by the *Harcourt* and duplicate of the same by the *Egmont.*

I am at a loss for words to convey the sense which I entertain of the honourable terms in which you have been pleased to express your

approbation of my services. While my gratitude is excited by these instances of your kindness, I feel my zeal encouraged by the assurances which you have been pleased to afford me of your continued protection. My best expression of thanks for both must be made by my future conduct, which (if I know my own heart) will never be drawn by any bias, however powerful, from the pursuit of your interests, nor do I wish or aspire to any reward superior to your applause.

While I indulge the pleasure which I receive from the past success of my endeavours, I own I cannot refrain from looking back with a mixture of anxiety on the omissions by which I am sensible I may since have hazarded the diminution of your esteem. All my letters addressed to your honourable Court, and to the Select Committee, repeat the strongest promises of prosecuting the inquiries into the conduct of your servants, which you had been pleased to commit particularly to my charge. You will readily believe that I must have been sincere in those declarations, since it would have argued great indiscretion to have made them, had I foreseen my inability to perform them. I find myself now under the disagreeable necessity of avowing that inability; at the same time that I will boldly take upon me to affirm that on whomsoever you might have delegated that charge, and by whatever powers it might have been accompanied, it would have been sufficient to occupy the entire attention of those who were entrusted with it, and even with all the aids of leisure and authority would have proved ineffectual. I dare appeal to the public records, to the testimony of those who have opportunities of knowing

me, and even to the detail which the public voice can report of the past acts of this government, that my time has been neither idly nor uselessly employed. Yet such are the cares and embarrassments of this various state, that although much may be done, much more, even in matters of moment, must necessarily remain neglected. To select from the miscellaneous heap which each day's exigencies present to our choice those points on which the general welfare of your affairs most essentially depends, to provide expedients for future advantages, and guard against probable evils, are all that your administration can faithfully promise to perform for your service with their united labours most diligently exerted. They cannot look back, without sacrificing the objects of their immediate duty, which are those of your interests, to endless researches which can produce no real good, and may expose your affairs to all the ruinous consequences of personal malevolence both here and at home.

May I be permitted, in all deference and submission to your commands, to offer it as my opinion, that whatever may have been the conduct of individuals or even of the collective members of your former administrations, the blame is not so much imputable to them as to the want of a principle of government adequate to its substance, and a coercive power to enforce it. The extent of Bengal, and its possible resources, are equal to those of most states in Europe. Its difficulties are greater than those of any, because it wants both an established form and powers of government, deriving its actual support from the unremitted labour and personal exertion of indivi-

duals in power instead of the vital influence which flows through the channels of a regular constitution, and imperceptibly animates every part of it. Our constitution is nowhere to be traced but in ancient charters which were framed for the jurisdiction of your trading settlements, the sales of your exports, and the provision of your annual investment. I need not observe how incompetent these must prove for the government of a great kingdom, and for the preservation of its riches from private violence and embezzlement.

Among your servants, who for a course of years have been left at large in possession of so tempting a deposit, it is not to be wondered at that many have applied it to the advancement of their own fortunes, or that those who were possessed of abilities to introduce a system of better order should have been drawn along by the general current, since few men are inspired with so large a share of public virtue as to sacrifice their interests, peace, and social feelings to it, and to begin the work of reformation on themselves.

I should not have presumed to expatiate on a subject of this nature, although my own justification has made it in some measure necessary, but that your late advices have given hopes that we shall speedily be furnished with your instructions for establishing a system of law and polity which we hitherto want. Whenever this work shall be accomplished on a foundation of consistency and permanency, I will venture to foretell, from the knowledge which I have of the general habits and manners of your servants, that you will hear of as few instances of licentiousness amongst them as among the members of any community in the

British Empire. As this, whenever attempted, must necessarily be a work of time, I entreat your permission to submit to your consideration such defects in your present system as my experience has suggested to me, and I hope my intention will be judged with candour, although my own ambition may be gratified by the regulations which I wish to recommend.

I shall offer but two points to your notice. One is the rapid succession of your governors; the other, the undefined powers of the respective members of your administration. Both are productive of the same ill effects, a want of vigour and consistency in public measures, and a general diffidence and the consequent spirit of intrigue in those whose interests or services are by any mode of relation connected with our government.

These well-known infirmities in our constitution were frequently alluded to by the Vizier in the late conferences which I had with him at Benares. He lamented the perpetual hazard to which he was exposed of losing the English friendship by the continual changes of their chiefs, who were no sooner known to him, and a confidence established with them, than they were recalled, and others substituted in their stead; whose tempers he was to study, and whose affections he was to conciliate anew, and then to lose them as he had lost their predecessors, and have the same fruitless labour to repeat for ever. He once asked me in plain terms what assurances I could give him that new conditions would not be required of him or that those for which I should have pledged the faith of the Company should not be eluded by a new act of government, if six members of

the Council should at any time propose an infraction of the treaty, and four only joined me in opposing it.

The powers of the Governor, although supposed to be great, are in reality little more than those of any individual in his Council. Their compliance, his own abilities, or a superior share of attention, and the opinion that he possesses extraordinary powers, may give him the effect of them, and an ascendant over his associates in the administration; but a moment's contention is sufficient to discover the nakedness of his authority, and to level him with the rest. Happily I find myself sufficiently secured against such effects. The notice with which you have distinguished my services, the injunctions which you have laid on the other members of the Board to afford me their support, and the degree of responsibility which you have been pleased to attribute to my particular conduct, have contributed to strengthen my hands against any improper opposition. At the same time I must do the gentlemen of the Board the justice to declare that I have found in them so cordial a disposition to co-operate with me in every measure for the public good, that I feel no want of extraordinary powers for myself, nor, under such favourable circumstances, is it my wish to possess them. I mention this want only as a defect in the service, which is rendered still more important by the false opinion that the principal authority rests constitutionally in the hands of the President, when in effect it is merely accidental.

To draw the line between him and the other members of his administration, and to define the powers which may be entrusted to his charge,

would not be an easy task. In me it may be deemed assuming; yet I conceive it to be my duty, because I am convinced that the future prosperity, and even the being of the Company, and of the national interests in this great kingdom, depend upon it. The distant and slow interposition of the supreme power which is lodged in your hands cannot apply the remedies to the disorders which may arise in your state. A principle of vigour, activity, and decision must rest somewhere. In a body of men entrusted with it, its efficacy is lost by being too much divided. It is liable to still worse consequences, the less the number is of which the body consists, because the majority is easier formed. Fixed to a single point only it can command confidence and ensure consistency. I am compelled to affirm, because I know not by what arguments to prove, what appears to me a self-evident maxim.

On the other hand there is a danger that such a power may be abused, unless powerful checks be provided to counteract the misapplication of it. These I leave to your wisdom to form, if the modification of it which I shall propose shall be found inadequate to the purpose. I will not take up more of your attention on this subject, but proceed to describe the points of distinction which appear to me necessary for ascertaining the respective provinces of the Council, the Select Committee, and the President.

1. The Select Committee shall have the power of making peace and war, and of determining all measures respecting both, independent of the Council at large. But they shall enter into no treaty of alliance, whether offensive or defensive,

for a longer duration than two years without a special authority from the honourable the Court of Directors. Every such treaty shall be communicated to the Council at large as soon as it conveniently may be, that their opinion upon it may be transmitted with it to the Court of Directors.

2. It shall nevertheless be allowable for the President to bring any matter before the Council at large, although included within the foregoing limitations, and the decision of the Council thereon shall be valid and binding on the Select Committee. But no other members of the Committee shall be allowed the same privilege.

3. The President shall have the privilege of acting by his own separate authority on such urgent and extraordinary cases as shall in his judgement require it, notwithstanding any decision of the Council, or of the Committee passed thereon. On every such occasion the President shall record his resolution to act in the manner above specified, in virtue of the power thus vested in him, and shall expressly declare that he charges himself with the whole responsibility.

4. All civil appointments within the provinces shall be made by the Board at large, but the President shall be empowered of his own authority to prevent any particular appointment, and to recall any person, not being a member of the Board, from his station, even without a reason assigned. All appointments beyond the provinces, and all military appointments which are not in the regular line of promotion, shall be made by the President alone.

I shall forbear to comment on the above pro-

positions. If just and proper, their utility will be self-apparent. One clause only in the last article may require some explanation, namely, the power proposed for the governor of recalling any person from his station 'without assigning a reason for it'. In the charge of oppression, although supported by the cries of the people and the most authentic representations, it is yet impossible in most cases to obtain legal proofs of it, and unless the discretionary power which I have recommended be somewhere lodged, the assurance of impunity from any formal inquiry will baffle every order of the Board, as on the other hand the fear of the consequences will restrain every man within the bounds of his duty if he knows himself liable to suffer by the effect of a single control.

I beg leave to return to the first subject herein offered to your consideration by declaring that as I have no wish in life equal to that of being useful in the sphere which has been allotted me, so it is my fixed resolution to devote my services to the Honourable Company so long as your pleasure and my health will allow me: and I offer it as my humble opinion that on whomsoever you shall think fit to bestow the place which I now hold in your service, it will be advisable to fix him in it for a long period of time. I have already mentioned the principal evils which arise from the too frequent changes of your governors. I will beg leave to add another, in which I shall need your candour to obviate any misconstructions of it to my own prejudice.

The first command of a state so extensive as that of Bengal is not without opportunities of private emoluments, and although the allowances

which your bounty has liberally provided for your servants may be reasonably expected to fix the bounds of their desires, yet you will find it extremely difficult to restrain men from profiting by other means, who look upon their appointment as the measure of a day, and who, from the uncertainty of their condition, see no room for any acquisition but of wealth, since reputation and the consequence which follows the successful conduct of great affairs are only to be attained in a course of years. Under such circumstance, however rigid your orders may be, or however supported, I am afraid that in most instances they will produce no other fruits than either avowed disobedience or the worse extreme of falsehood and hypocrisy. These are not the principles which should rule the conduct of men whom you have constituted the guardians of your property, and checks on the morals and fidelity of others. The case of self-preservation will naturally suggest the necessity of seizing the opportunity of present power, when the duration of it is considered as limited to the usual term of three years, and of applying it to the provision of a future independency. Therefore every renewal of this term is liable to prove a reiterated oppression.

It is perhaps owing to the causes which I have described, and a proof of their existence, that this appointment has been for some years past so eagerly solicited, and so easily resigned. There are yet other inconveniences attendant on this habit, and perhaps an investigation of them all would lead to endless discoveries. Every man whom your choice has honoured with so distinguished a trust seeks to merit approbation and acquire

an éclat by innovations, for which the wild scene before him affords ample and justifiable occasion. But innovations of real use require a length of time, and the unremitting application of their original principles to perfect them. Their immediate effects are often hurtful, and their intended benefits remote, or virtually diffused through such concealed channels that their source is not easy to be traced. Of this nature are the late regulations in your revenue customs, and in the commerce of the country, which have been attended with an immediate loss in the collections, and in the price of your investment; and it will require a long and intricate train of reasoning to prove that the future increase of population, of national wealth, of the revenue and trade, should such be the happy effects of these expedients, were really produced by them. But who that looks only for present applause or present credit would hazard both for remote advantages, of which another might arrogate the merit and assume the reward? Or who will labour with equal perseverance for the accomplishment of measures projected by others, as of those of which he was himself the contriver?

Although I disclaim the consideration of my own interest in these speculations, and flatter myself I proceed upon more liberal grounds, yet I am proud to avow the feelings of an honest ambition that stimulates me to aspire at the possession of my present station for years to come. Those who know my natural turn of mind will not ascribe this to sordid views, a very few years possession of the government would undoubtedly enable me to retire with a fortune amply fitted to the measure of my desires, were I

to consult only my own ease; but in my present situation I feel my mind expand to something greater. I have catched the desire of applause in public life. The important transactions in which I have been engaged, and my wish to see them take complete effect, the public approbation which you have been pleased to stamp on them, and the estimation which that cannot fail to give me in the general opinion of mankind, lead me to aim at deserving more; and I wish to dedicate all my time, health, and labour to a service which has been so flattering in its commencement.

Such are my views and such my sentiments. I expose them without reserve, because I am conscious you will find nothing unworthy in them, whatever opinion you may form of their expediency.

I shall wait your determination with becoming expectation but without anxiety, nor shall I ever less esteem the favours I have already received, because others are withheld which it may be either not expedient or impracticable to grant.

I have the honour to be, with the greatest respect, honourable Sirs, &c.

9. *East India Company Act, 1773 (13 Geo. III, c. 63)*

VII. And, for the better management of the said United Company's affairs in India, be it further enacted by the authority aforesaid, that, for the government of the Presidency of Fort William in Bengal, there shall be appointed a Governor-General, and four counsellors; and that the whole civil and military government of the said

Presidency, and also the ordering, management and government of all the territorial acquisitions and revenues in the kingdoms of Bengal, Behar, and Orissa, shall, during such time as the territorial acquisitions and revenues shall remain in the possession of the said United Company, be, and are hereby vested in the said Governor-General and Council of the said Presidency of Fort William in Bengal, in like manner, to all intents and purposes whatsoever, as the same now are, or at any time heretofore might have been exercised by the President and Council, or Select Committee, in the said kingdoms.

VIII. And be it enacted by the authority aforesaid, that in all cases whatsoever wherein any difference of opinion shall arise upon any question proposed in any consultation, the said Governor-General and Council shall be bound and concluded by the opinion and decision of the major part of those present: And if it shall happen that, by the death or removal, or by the absence, of any of the members of the said Council, such Governor-General and Council shall happen to be equally divided; then, and in every such case, the said Governor-General, or, in his absence, the eldest counsellor present, shall have a casting voice, and his opinion shall be decisive and conclusive.

IX. And be it further enacted by the authority aforesaid, that the said Governor-General and Council, or the major part of them, shall have, and they are hereby authorized to have, power of superintending and controlling the government and management of the Presidencies of Madras, Bombay, and Bencoolen respectively, so far and insomuch as that it shall not be lawful for any

President and Council of Madras, Bombay, or Bencoolen, for the time being, to make any orders for commencing hostilities, or declaring or making war, against any Indian princes or powers, or for negotiating or concluding any treaty of peace, or other treaty, with any such Indian princes or powers, without the consent and approbation of the said Governor-General and Council first had and obtained, except in such cases of imminent necessity as would render it dangerous to postpone such hostilities or treaties until the orders from the Governor-General and Council might arrive; and except in such cases where the said Presidents and Councils respectively shall have received special orders from the said United Company; and any President and Council of Madras, Bombay, or Bencoolen, who shall offend in any of the cases aforesaid, shall be liable to be suspended from his or their office by the order of the said Governor-General and Council; and every President and Council of Madras, Bombay, and Bencoolen, for the time being, shall, and they are hereby respectively directed and required, to pay due obedience to such orders as they shall receive, touching the premises from the said Governor-General and Council for the time being, and constantly and diligently to transmit to the said Governor-General and Council advice and intelligence of all transactions and matters whatsoever that shall come to their knowledge, relating to the government, revenues, or interest, of the said United Company; and the said Governor-General and Council for the time being shall, and they are hereby directed and required to pay due obedience to all such orders as they shall receive from the

Court of Directors of the said United Company, and to correspond, from time to time, and constantly and diligently transmit to the said Court an exact particular of all advices or intelligence, and of all transactions and matters whatsoever, that shall come to their knowledge, relating to the government, commerce, revenues, or interest, of the said United Company; and the Court of Directors of the said Company, or their successors, shall, and they are hereby directed and required, from time to time, before the expiration of fourteen days after the receiving any such letters or advices, to give in and deliver unto the High Treasurer, or Commissioners of His Majesty's Treasury for the time being, a true and exact copy of such parts of the said letters or advices as shall any way relate to the management of the revenues of the said Company; and in like manner to give in and deliver to one of His Majesty's Principal Secretaries of State for the time being a true and exact copy of all such parts of the said letters or advices as shall any way relate to the civil or military affairs and government of the said Company; all which copies shall be fairly written, and shall be signed by two or more of the Directors of the said Company.

X. And it is hereby further enacted, that Warren Hastings, Esquire, shall be the first Governor-General; and that Lieutenant-General John Clavering, the Honourable George Monson, Richard Barwell, Esquire, and Philip Francis, Esquire, shall be the four first counsellors; and they, and each of them, shall hold and continue in his and their respective offices for and during the term of five years from the time of their arrival at Fort William in Bengal, and taking upon them the government

of the said Presidency, and shall not be removable, in the meantime, except by His Majesty, his heirs and successors, upon representation made by the Court of Directors of the said United Company for the time being: and in case of the avoidance of the office of such Governor-General by death, resignation, or removal, his place shall, during the remainder of the term aforesaid, as often as the case shall happen, be supplied by the person of the Council who stands next in rank to such Governor-General; and, in case of the death, removal, resignation, or promotion, of any of the said Council, the Directors of the said United Company are hereby empowered, for and during the remainder of the said term of five years, to nominate and appoint, by and with the consent of His Majesty, his heirs and successors, to be signified under his or their sign manual, a person to succeed to the office so become vacant in the said Council; and until such appointment shall be made, all the powers and authorities vested in the Governor-General and Council shall rest and continue in, and be exercised and executed by, the Governor-General and Council remaining and surviving; and from and after the expiration of the said term of five years, the power of nominating and removing the succeeding Governor-General and Council shall be vested in the Directors of the said United Company.

XIII. And whereas His late Majesty King George the Second did, by his letters patent, bearing date at Westminster the eighth day of January, in the twenty-sixth year of his reign, grant unto the said United Company of Merchants of England trading to the East Indies his

royal charter, thereby, amongst other things, constituting and establishing courts of civil, criminal, and ecclesiastical jurisdiction, at the said United Company's respective settlements at Madras-patnam, Bombay on the island of Bombay, and Fort William in Bengal; which said charter does not sufficiently provide for the due administration of justice in such manner as the state and condition of the Company's Presidency of Fort William in Bengal, so long as the said Company shall continue in the possession of the territorial acquisitions before mentioned, do and must require; be it therefore enacted by the authority aforesaid, that it shall and may be lawful for His Majesty, by charter, or letters patent under the great seal of Great Britain, to erect and establish a supreme court of judicature at Fort William aforesaid, to consist of a chief justice and three other judges, being barristers in England or Ireland, of not less than five years standing, to be named from time to time by His Majesty, his heirs and successors; which said Supreme Court of Judicature shall have, and the same Court is hereby declared to have, full power and authority to exercise and perform all civil, criminal, admiralty, and ecclesiastical jurisdiction, and to appoint such clerks, and other ministerial officers of the said Court, with such reasonable salaries, as shall be approved of by the said Governor-General and Council; and to form and establish such rules of practice, and such rules for the process of the said Court, and to do all such other things as shall be found necessary for the administration of justice, and the due execution of all or any of the powers which, by the said charter, shall or may be granted

and committed to the said Court; and also shall be, at all times, a court of record, and shall be a court of oyer and terminer, and gaol delivery, in and for the said town of Calcutta, and factory of Fort William, in Bengal aforesaid, and the limits thereof, and the factories subordinate thereto.

XIV. Provided nevertheless, and be it further enacted by the authority aforesaid, that the said new charter which His Majesty is herein-before empowered to grant, and the jurisdiction, powers, and authorities, to be thereby established shall and may extend to all British subjects who shall reside in the kingdoms or provinces of Bengal, Behar, and Orissa, or any of them, under the protection of the said United Company; and the same charter shall be competent and effectual; and the Supreme Court of Judicature therein, and thereby to be established, shall have full power and authority to hear and determine all complaints against any of His Majesty's subjects for any crimes, misdemeanours, or oppressions, committed, or to be committed; and also to entertain, hear, and determine, any suits or actions whatsoever, against any of His Majesty's subjects in Bengal, Behar, and Orissa, and any suit, action or complaint against any person who shall, at the time when such debt, or cause of action, or complaint, shall have arisen, have been employed by, or shall then have been, directly or indirectly, in the service of the said United Company or of any of His Majesty's subjects.

XXIII. And be it further enacted by the authority aforesaid, that no Governor-General, or any of the Council of the said United Company's Presidency of Fort William in Bengal, or any Chief Justice, or any of the Judges of the Supreme

Court of Judicature at Fort William aforesaid, shall directly, or indirectly, by themselves, or by any other person or persons for his or their use, or on his or their behalf accept, receive, or take, of or from any person or persons, in any manner, or on any account whatsoever, any present, gift, donation, gratuity, or reward pecuniary or otherwise, or any promise or engagement for any present, gift, donation, gratuity, or reward; and that no Governor-General, or any of the said Council, or any Chief Justice or Judge of the said Court, shall carry on, be concerned in, or have any dealing or transactions, by way of traffick or commerce of any kind whatsoever, either for his or their use or benefit, profit or advantage, or for the benefit or advantage of any other person or persons whatsoever (the trade and commerce of the said United Company only excepted); any usage or custom to the contrary thereof in anywise notwithstanding.

XXIV. And be it further enacted by the authority aforesaid, that from and after the first day of August, one thousand seven hundred and seventy-four, no person holding or exercising any civil or military office under the Crown, or the said United Company in the East Indies, shall accept, receive, or take, direct or indirectly, by himself, or any other person or persons on his behalf, or for his use or benefit, of and from any of the Indian princes or powers, or their ministers or agents (or any of the natives of Asia), any present, gift, donation, gratuity, or reward, pecuniary or otherwise, upon any account or on any pretence whatsoever; or any promise or engagement for any present, gift, donation, gratuity or reward; and

if any person, holding or exercising any such civil or military office, shall be guilty of any such offence, and shall be thereof legally convicted in such Supreme Court at Calcutta, or in the Mayor's Court in any other of the said United Company's settlements where such offence shall have been committed ; every such person so convicted, shall forfeit double the value of such present, gift, donation, gratuity, or reward, so taken and received ; one moiety of which forfeiture shall be to the said United Company, and the other moiety to him or them who shall inform or prosecute for the same ; and also shall and may be sent to England, by the order of the Governor and Council of the Presidency or settlement where the offender shall be convicted, unless such person so convicted shall give sufficient security to remove him or themselves within twelve months after such conviction.

XXXVI. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Governor-General and Council of the said United Company's settlement at Fort William in Bengal, from time to time, to make and issue such rules, ordinances, and regulations, for the good order and civil government of the said United Company's settlement at Fort William aforesaid, and other factories and places subordinate, or to be subordinate thereto, as shall be deemed just and reasonable (such rules, ordinances, and regulations, not being repugnant to the laws of the realm), and to set, impose, inflict, and levy, reasonable fines and forfeitures for the breach or non-observance of such rules, ordinances, and regulations ; but nevertheless the same, or any of them, shall not be valid, or of any force or effect, until the same

shall be duly registered and published in the said Supreme Court of Judicature, which shall be, by the said new charter, established, with the consent and approbation of the said Court, which registry shall not be made until the expiration of twenty days after the same shall be openly published, and a copy thereof affixed in some conspicuous part of the court-house or place where the said Supreme Court shall be held; and from and immediately after such registry as aforesaid, the same shall be good and valid in law; but, nevertheless, it shall be lawful for any person or persons in India to appeal therefrom to his Majesty, his heirs or successors, in Council, who are hereby empowered, if they think fit, to set aside and repeal any such rules, ordinances, and regulations respectively, so as such appeal, or notice thereof, be lodged in the said new Court of Judicature, within the space of sixty days after the time of the registering and publishing the same; and it shall be lawful for any person or persons in England to appeal therefrom in like manner, within sixty days after the publishing the same in England; and it is hereby directed and required that a copy of such rules, ordinances, and regulations, from time to time, as the same shall be so received, shall be affixed in some conspicuous and public place in the India House, there to remain and be resorted to as occasion shall require; yet nevertheless, such appeal shall not obstruct, impede, or hinder the immediate execution of any rule, ordinance, or regulation, so made and registered as aforesaid, until the same shall appear to have been set aside or repealed, upon the hearing and determination of such appeal.

XXXVII. Provided always, and be it enacted by the authority aforesaid, that the said Governor-General and Council shall, and they are hereby required, from time to time, to transmit copies of all such rules, ordinances, and regulations, as they shall make and issue, to one of His Majesty's principal Secretaries of State for the time being, and that it shall and may be lawful to and for His Majesty, his heirs and successors, from time to time, as they shall think necessary, to signify to the said United Company, under his or their sign manual, his or their disapprobation and disallowance of all such rules, ordinances, and regulations; and that from and immediately after the time that such disapprobation shall be duly registered and published in the said Supreme Court of Judicature at Fort William in Bengal, all such rules, ordinances, and regulations, shall be null and void; but in case His Majesty, his heirs and successors, shall not, within the space of two years from the making of such rules, ordinances, and regulations, signify his or their disapprobation or disallowance thereof, as aforesaid, that then, and in that case, all such rules, ordinances, and regulations, shall be valid and effectual, and have full force.

XXXVIII. And be it further enacted by the authority aforesaid, that the Governor-General and Council for the time being of the said United Company's settlement at Fort William aforesaid, and the Chief Justice and other Judges of the said Supreme Court of Judicature, shall and may, and they are hereby respectively declared to be, and to have full power and authority to act as justices of the peace for the said settlement, and for the several settlements and factories subordinate

thereto; and to do and transact all matters and things which to the office of a justice or justices of the peace do belong and appertain; and for that purpose the said Governor-General and Council are hereby authorized and empowered to hold quarter-sessions within the said settlement of Fort William aforesaid, four times in every year, and the same shall be at all times a court of record.

XXXIX. And be it further enacted by the authority aforesaid, that if any Governor-General, President, or Governor, or Council of any of the said Company's principal or other settlements in India, or the Chief Justice, or any of the Judges of the said Supreme Court of Judicature, to be by the said new charter established, or of any other court in any of the said United Company's settlements, or any other person or persons who now are, or heretofore have been employed by or in the service of the said United Company, in any civil or military station, office, or capacity, or who have or claim, or heretofore have had or claimed, any power or authority, or jurisdiction, by or from the said United Company, or any of His Majesty's subjects residing in India, shall commit any offence against this act, or shall have been, or shall be guilty of, any crime, misdemeanour, or offence, committed against any of His Majesty's subjects, or any of the inhabitants of India within their respective jurisdictions, all such crimes, offences and misdemeanours, may be respectively inquired of, heard, tried, and determined in His Majesty's Court of King's Bench, and all such persons so offending, and not having been before tried for the same offence in India, shall, on conviction, in any such case as is

not otherwise specially provided for by this Act, be liable to such fine or corporal punishment as the said Court shall think fit; and moreover shall be liable, at the discretion of the said Court, to be adjudged to be incapable of serving the said United Company in any office, civil or military; and all and every such crimes, offences, and misdemeanours, as aforesaid, may be alleged to be committed, and may be laid, inquired of, and tried in the the county of Middlesex.

XL. And whereas the provisions made by former laws for the hearing and determining in England offences committed in India have been found ineffectual, by reason of the difficulty of proving in this kingdom matters done there; be it further enacted by the authority aforesaid, that in all cases of indictments or informations, laid or exhibited in the said Court of King's Bench, for misdemeanours or offences committed in India, it shall and may be lawful for His Majesty's said Court, upon motion to be made on behalf of the prosecutor, or of the defendant or defendants, to award a writ or writs of mandamus, requiring the Chief Justice and Judges of the said Supreme Court of Judicature for the time being, or the Judges of the Mayor's Court at Madras, Bombay, or Bencoolen, as the case may require, who are hereby respectively authorized and required accordingly to hold a court, with all convenient speed, for the examination of witnesses, and receiving other proofs concerning the matters charged in such indictments or informations respectively; and, in the meantime, to cause such public notice to be given of the holding of the said Court, and to issue such summons or other

process, as may be requisite for the attendance of witnesses, and of the agents or counsel, of all or any of the parties respectively, and to adjourn, from time to time as occasion may require; and such examination as aforesaid shall be then and there openly and publicly taken viva voce in the said Court, upon the respective oaths of witnesses, and the oaths of skilful interpreters, administered according to the forms of their several religions; and shall, by some sworn officer of such Court, be reduced into one or more writing or writings on parchment in case any duplicate or duplicates should be required by or on behalf of any of the parties interested, and shall be sent to His Majesty, in his Court of King's Bench, closed up, and under the seals of two or more of the judges of the said Court, and one or more of the said judges shall deliver the same to the agent or agents of the party or parties requiring the same; which said agent or agents (or in case of his or their death, the person into whose hands the same shall come) shall deliver the same to one of the clerks in court of His Majesty's Court of King's Bench, in the public office, and make oath that he received the same from the hands of one or more of the judges of such court in India (or if such agent be dead, in what manner the same came into his hands): and that the same has not been opened, or altered, since he so received it (which said oath such clerk in court is hereby authorized and required to administer): and such depositions, being duly taken and returned, according to the true intent and meaning of this Act, shall be allowed and read, and shall be deemed as good and competent evidence as if such witness had been present, and

sworn and examined viva voce at any trial for such crimes or misdemeanours, as aforesaid, in His Majesty's said Court of King's Bench, any law or usage to the contrary notwithstanding; and all parties concerned shall be entitled to take copies of such depositions at their own costs and charges.

XLI. And be it further enacted by the authority aforesaid, that in case the said Chief Justice, or Judges of the said Supreme Court of Judicature, or any of them, for the time being, shall commit any offence against this Act, or be guilty of any corrupt practice, or other crime, offence, or misdemeanour, in the execution of their respective offices, it shall and may be lawful for His Majesty's said Court of King's Bench in England, upon an information or indictment laid or exhibited in the said Court for such crime, offence, or misdemeanour, upon motion to be made in the said Court, to award such writ or writs of mandamus, as aforesaid, requiring the Governor-General, and Council of the said United Company's settlement at Fort William aforesaid, who are hereby respectively authorized and required accordingly to assemble themselves in a reasonable time, and to cause all such proceedings to be had and made as are herein-before respectively directed and prescribed concerning the examination of witnesses; and such examination, so taken, shall be returned and proceeded upon in the same manner, in all respects as if the several directions herein-before prescribed and enacted in that behalf were again repeated.

10. *Warren Hastings to Lord Mansfield, 21 March 1774*

My Lord,

I feel a very sensible regret that I have not endeavoured to improve the opportunities which I possessed by an early introduction to your lordship's acquaintance of acquiring a better right to the freedom which I now assume in this address. The great veneration which I have ever entertained for your lordship's character, and the unimportant sphere in which, till lately, it has been my lot to act, were sufficient checks to restrain me from such an attempt, however my wishes might have impelled me to it.

I know not whether you will admit the subject of this letter to merit your attention by its importance. My only motive for introducing it to your lordship is, that I believe it to be of that importance, as it regards the rights of a great nation in the most essential point of civil liberty, the preservation of its own laws, a subject, of which I know no person equally able to judge, or from whom I could hope for a more ready or effectual support of any proposition concerning it.

Among the various plans which have been lately formed for the improvement of the British interests in the provinces of Bengal, the necessity of establishing a new form of judicature, and giving laws to a people who were supposed to be governed by no other principle of justice than the arbitrary wills, or uninstructed judgements, of their temporary rulers, has been frequently suggested ; and this opinion I fear has obtained the greater strength from some publications of considerable

merit in which it is too positively asserted that written laws are totally unknown to the Hindoos, or original inhabitants of Hindostan. From whatever cause this notion has proceeded, nothing can be more foreign from truth. They have been in possession of laws, which have continued unchanged, from the remotest antiquity. The professors of these laws, who are spread over the whole empire of Hindostan, speak the same language, which is unknown to the rest of the people, and receive public endowments and benefactions from every state and people, besides a degree of personal respect amounting almost to idolatry, in return for the benefits which are supposed to be derived from their studies. The consequence of these professors has suffered little diminution from the introduction of the Mahomedan government, which has generally left their privileges untouched, and suffered the people to remain in quiet possession of the institutes which time and religion had rendered familiar to their understandings and sacred to their affections. I presume, my lord, if this assertion can be proved, you will not deem it necessary that I should urge any argument in defence of their right to possess those benefits under a British and Christian administration which the bigotry of the Mahomedan government has never denied them. It would be a grievance to deprive the people of the protection of their own laws, but it would be a wanton tyranny to require their obedience to others of which they are wholly ignorant, and of which they have no possible means of acquiring a knowledge.

I cannot offer a better proof of what I have before affirmed, than by presenting you with a

specimen of the laws themselves, which it will be necessary to preface with the following brief history of the manner in which it came into my hands.

A short time after my appointment to the government of this Presidency, the Company were pleased to direct the administration here to take possession of the Dewanny, or territorial government of these provinces, in their name, without using any longer the intervention of an officer of the ancient Mogul government under the title of their Naib, or deputy, and gave them full powers to constitute such regulations for the collection and management of the revenue as they should judge most beneficial to the Company and the inhabitants.

In the execution of this commission, it was discovered that the due administration of justice had so intimate a connexion with the revenue, that in the system which was adopted, this formed a very considerable part. Two courts were appointed for every district, one for the trial of crimes and offences, and the other to decide causes of property. The first consisted entirely of Mahomedans, and the latter of the principal officers of the revenue, assisted by the judges of the criminal courts, and by the most learned pundits (or professors of the Hindoo law), in cases which depended on the peculiar usages or institutions of either faith. These courts were made dependent on two supreme courts which were established in the city of Calcutta, one for ultimate reference in capital cases, the other for appeals.

In this establishment no essential change was made in the ancient constitution of the province.

It was only brought back to its original principles, and the line prescribed for the jurisdiction of each court, which the looseness of the Mogul government for some years past had suffered to encroach upon each other.

It would swell this letter to too great a bulk were I to enter into a more minute description, although I feel the necessity of making it more comprehensive to convey an adequate idea of the subject.

As it has never been the practice of this country for the pundits or expounders of the Hindoo law, to sit as judges of it, but only to give their opinions in such cases as might be proposed to them, and as these perpetually occurring occasioned very great delays in our proceedings, or were decided at once by the officers of the courts, without any reference, it was judged advisable, for the sake of giving confidence to the people and of enabling the courts to decide with certainty and dispatch, to form a compilation of the Hindoo laws with the best authority which could be obtained ; and for that purpose ten of the most learned pundits were invited to Calcutta from different parts of the province, who cheerfully undertook this work, have incessantly laboured in the prosecution of it, and have already, as they assure me, completed it, all but the revisal and correction of it.

This code they have written in their own language, the Shanscrit. A translation of it is begun under the inspection of one of their body into the Persian language, and from that into English. The two first chapters I have now the honour to present to your lordship with this, as a proof that the inhabitants of this land are not in the savage state in which they have been unfairly represented,

and as a specimen of the principles which constitute the rights of property among them.

Although the second chapter has been translated with a dispatch that has not allowed time for rendering it quite so correct as I could wish to offer it to your lordship's view, yet I can venture to vouch for the fidelity with which it is generally executed, such parts of it as I have compared with the Persian copy having been found literally exact.

Your lordship will find a great mixture of the superstitions of their religion in this composition. Many passages in the first chapter are not to be reconciled to any rule known to us, but may be supposed to be perfectly consonant to their own maxims, as your lordship will perceive that they have been scrupulously exact in marking such cases as have received a different decision in the different originals from which this abstract is selected.

Upon the merit of the work itself I will not presume to offer an opinion. I think it necessary to obviate any misconception which you may entertain from the similitude in the arrangement and style to our own productions, by saying that I am assured they are close and genuine transcripts from the original.

With respect to the Mahometan law, which is the guide at least of one fourth of the natives of this province, your lordship need not be told that this is as comprehensive, and as well defined, as that of most states in Europe, having been formed at a time in which the Arabians were in possession of all the real learning which existed in the western parts of this continent. The book which bears the greatest authority among them in India is a digest

formed by the command of the Emperor Aurungzebe, and consists of four large folio volumes which are equal to near twelve of ours.

I have only to add that the design of this letter is to give your lordship a fair representation of a fact of which the world has been misinformed, to the great injury of this country, and to prevent the ill effects which such an error may produce in a public attempt to deprive it of the most sacred and valuable of its rights. Even the most injudicious or most fanciful customs which ignorance or superstition may have introduced among them, are perhaps preferable to any which could be substituted in their room. They are interwoven with their religion, and are therefore revered as of the highest authority. They are the conditions on which they hold their place in society, they think them equitable, and therefore it is no hardship to exact their obedience to them. I am persuaded they would consider the attempt to free them from the effects of such a power as a severe hardship. But I find myself exceeding the bounds which my deference for your lordship's great wisdom had prescribed, and therefore quit the subject.

I know the value of your lordship's time, and reluctantly lay claim to so great a share of it as may be required for the perusal of this letter. I assure myself that you will approve my intention. My only apprehension is, that it may arrive too late to produce the effect which I hope to obtain from it. I would flatter myself that the work which it introduces may be of use in your lordship's hands towards the legal accomplishment of a new system which shall found the authority of the

British Government in Bengal on its ancient laws, and serve to point out the way to rule this people with ease and moderation according to their own ideas, manners, and prejudices. But although I should be disappointed in this expectation, I still please myself with the persuasion that your lordship will receive it with satisfaction as an object of literary curiosity, whatever claim it may have to your attention from its intrinsic merit; as it contains the genuine sentiments of a remote and ancient people at a period of time in which it was impossible for them to have had the smallest connexion or communication with the inhabitants of Europe, on a subject in which all mankind have a common interest, and is, I believe, the first production of the kind hitherto made known amongst us.—I have the honour to be, my lord, your lordship's most obedient and most humble servant.

11. *Warren Hastings to Laurence Sullivan, 21 March 1776*

Dear Sir,

Whatever cause may have heretofore intervened to prevent the decision from being passed on me and my opponents, so many alarming circumstances have lately occurred to show the absolute necessity of putting a speedy end to the disorders of this government, that I think it impossible for them to suffer it to remain longer in a state of distraction. The remedy may be administered when the evil is past cure.

The provinces of Bengal enjoy peace, but no measures are taken for ensuring it; none for the prevention of its internal disorders; none of any

kind whatsoever, but such as are calculated to intimidate those who have ever looked to me for protection, or to repeal or render abortive those of my administration. Bitter complaints have been reiterated in all the letters of the majority, that the rents were overrated in the last settlement, yet they reproach me with not having realized it, and refuse to allow of the smallest deduction or remission in the revenues. Complaints are heard only against myself, or others, through whom they may be converted by implication to charges against me; and every decision even on matters in which it is commonly esteemed the most dishonourable to admit of a personal bias, has been dictated solely by the spirit of party. The Dewanny Courts of Justice faintly exist, but without any control; the Sudder Dewanny, or Court of Appeals, which served as a check and a guard on the rest, having been long since formally abolished. The Foujdarry, or Criminal Courts, which formerly depended on myself, have scarce dared to act since the arrival of the new members of the Council; and the whole Province is at this time, even to the boundaries of Calcutta, a prey to dacoits. This evil will, I hope, receive some alleviation from the care of Mahommed Reza Cawn, to whom the charge of maintaining the peace of the country, and the superintendence of the Court of Criminal Justice, has been committed. But his authority is feeble; and though he has been in possession of it these five months, its effects have not yet appeared. He looks, as others do, to a period of tranquillity. With his appointment, which is expressly against the orders of the Company, the Nabob was declared

sovereign of the provinces, and possessed of all the rights of the Nizamut, that is, the exclusive power of administering justice in criminal cases, of appointing guards for the protection of the country, and of punishing all violators of the peace; that is to say, in other words he is the present instrument of the majority, in the hands of Mahommed Reza Cawn, to execute any violence which they may dictate unseen; and armed by their public and repeated declarations with rights that will enable him to assume an uncontrolled rule for his own behalf, as soon as he shall have spirit to assert them.

It is a little extraordinary that every measure which was taken in the course of my government, though generally approved, has been either repealed, or means taken to render it of no effect, without an attempt to introduce any other system in its stead. Nothing, say they, can now save the country from ruin, but to replace Mahommed Reza Cawn in the authority which I took out of his hands by the orders of the Court of Directors, and to restore the charge of the collections to supervisors. These measures are even recommended in a plan which Mr. Francis sent by the last ship to the Court of Directors for the new settlement, and why, I cannot conceive, unless it be for the sake of loading me with reproach for having removed both. The maxims which I laid down for my conduct, and by which it was invariably guided, were these:—First, to implant the authority of the Company, and the sovereignty of Great Britain, in the constitution of this country. Secondly, to abolish all secret influence, and make the government itself responsible for all measures,

by making them all pass by its avowed authority. Thirdly, to remove all impediments which prevented the complaints of the people from reaching the ears of the supreme administration, or established an independent despotism in its agents. Fourthly, to relieve the reiats from oppressive taxes. Fifthly, to introduce a regular system of justice and protection into the country. Sixthly, to relieve the distresses of the Company at home—you know how great they were—and pay off their heavy debts here, by a uniform and regular mode of collecting their rents, by savings in expenses, and by foreign acquisitions of wealth. And lastly, to extend the political influence of the Company without enlarging their territory or dividing their military strength.

I need not repeat the means which were used to accomplish these ends. The present government has proceeded on principles diametrically opposite to mine. First, they have broken all the arrangements which I made in the Nabob's family in 1772; replaced Mahommed Reza Cawn; restored the office of Naib Suba; dismissed the Begum from her office, which I had assigned her for the express and sole purpose of guarding the Company's authority against encroachment or competition; publicly proclaimed the Nabob's sovereignty, and disclaimed that of the Company. Secondly, they have made their own power uncontrolled, and contrived to preclude its operations from public view, by the pretended independency granted to Mahommed Reza Cawn. Thirdly, they have abolished, or rendered of no effect, all the courts of justice, and avow their intentions of restoring the collectorships. Fourthly, they exclaimed against

me for overcharging the revenue, though I (I mean, whenever I speak of myself, the late administration) struck off every oppressive article of it, and let the lands on lower terms than the jumna of former years, but such only as the lands, under favourable circumstances, might very well bear, allowing for accidents of drought and inundation, which might entitle the farmers to indulgences. These indulgences, whenever they could prove their title to them, I always granted. The majority allow of none; but while they declare the reiats oppressed, refuse to consent to a single remission which might relieve them. One instance may serve to show the spirit with which they conduct themselves on this occasion. Rajah Cheyton Sing, the zemindar of Bissenpoor, had a writ out against him for a debt. He was actually in the charge of the sheriff's officer. To prevent his being brought in that disgraceful state to Calcutta, or being thrown into jail, I obtained an order from the under-sheriff for his present discharge, offering myself as the security for his appearance in Calcutta. As soon as the Board met, I informed them of what I had done, and recommended to them to take the Rajah under the protection of the Board, and to assist him in his suit, as this was the first instance; and the decision of it, if favourable to the zemindar, by declaring him exempted from the jurisdiction of the Court, would serve as a precedent in all similar cases. They rejected my proposal; said that, as I had bailed the zemindar without any authority from the Board, I must stand to the consequences; that they would not interfere, but let the law take its course, that the Company might see what dangerous strides the

Supreme Court were taking to assume an absolute power over the country. Sixthly, they have branded the suspension of the King's tribute with the appellation of violation of public faith; they have called the cession of Corah the sale of others' property; they have called the subsidy which I had fixed with the Vizier at 210,000 rupees (and which they have augmented to 260,000 rupees), and the stipulation for the Rohilla war, a mercenary prostitution of the Company's arms for hire; they have paid off a part of the bonded debt with the means furnished by these acts of injustice, and now lay claim to the whole merit of it, though it is impossible for them to produce a single instance, in the whole period of their administration, of a rupee saved, or a rupee gained, by any measure of theirs, except the late acquisition of Benares, obtained at the expense of twice the amount of its yearly revenue, which the Nabob of Oude owes to the Company, and which he can never pay them. Lastly, by their pernicious interference in the affairs of Bombay, and by the weakness of their measures in the treaty with the Nabob of Oude, and their subsequent conduct to him, they perverted the great controlling powers of this government to a means of contracting the Company's influence, and of annihilating every advantage which the former servants of the Company had secured for them beyond the limits of Bengal.

The distracted state of the province of Oude exceeds description. The Nabob's character you will learn from universal report. His minister, Moeteiza Cawn, is possessed of all his master's vices, with an ordinary share of understanding, and is in possession of the country, with every

place of trust and profit in it. The Nabob's finances and resources are totally exhausted. His troops are disaffected to a man. They have been permitted to oppose his authority in instances of the most criminal disobedience, and the only severity which has been ever exercised towards them was in the massacre of 20,000 of his sepoys (at least Bristow computes the loss at that amount) who mutinied for their pay. This horrid event passed about a month ago. Happily the presence of our brigade serves to check the intestine commotions of his country, and he has no present enemy to throw the materials, which his misconduct has accumulated for his own destruction, into a blaze. The smallest spark of foreign troubles will certainly blow him up.

I have already been so exceedingly prolix on the preceding subjects, that I shall be more concise on the affairs of Bombay. Mr. Taylor[1] tells me that he has already written to you a very minute detail of all the transactions both of that government and of this in relation to the Mahratta war. I shall, therefore, chiefly dwell on my own part in it.

I have always considered the capture of Salsette as an act of necessity, and of good policy, nor inconsistent with the most rigid principles of political justice.

I never approved of the treaty with Ragobah, nor the precipitate measure of the war undertaken without a force or treasure to support it, without a plan of conduct, and with little necessity and less profit to require it. But as it is almost im-

[1] An agent sent from Bombay to protest against the abrupt intervention of the Bengal Government.

possible to withdraw from a war before the conclusion of it with honour or safety, had it rested with me I would have directed them to prosecute their original design by escorting Ragobah to Poona, and to get clear of the war as soon as they could with honour and safety. But I was not in a situation to dictate, and the language of the majority was to order the Presidency of Bombay to withdraw their forces immediately, and without any reservation. All the good that I could do was by temporizing. I therefore advised that an order should be sent to withdraw the army, but I proposed to qualify the order with the following exceptions:—1st. That the safety of the troops might be endangered by it. 2nd. That any decisive advantage had been gained over the enemy; and, thirdly, that a negotiation had taken place. In either of these cases I proposed that the order should not have effect. The majority adopted the first exception, but rejected the other two. I from the first advised, and repeatedly urged them to send supplies both of men and money to Bombay, as the only means of commanding a peace or enabling the gentlemen of Bombay to renew the war with advantage. In this opinion I was supported by Mr. Barwell. The war is now renewed, as might have been expected, at a season in which it is impossible to assist them either with men or money. We have, indeed, sent them eighty men and five lacs of rupees, but the ships which carry these little aids are not yet gone, nor can possibly arrive before the rains. We have given them permission to draw upon us for five lacs more.

If the decided union of the English in every part

of India with Ragobah should establish his credit, and give partizans to his cause, which is not unlikely, and if the war is well conducted, it is most probable that it will be concluded in this campaign; and if it is, you will certainly hear of it before you receive this letter. If you do not hear of it, you may conclude that the war is protracted to the next season, and I think the issue of it will then depend on Bengal, and will require all its exertions.

Such as I have described it is the present state of this government, and I presume that it is unnecessary to add other proofs of the necessity of deciding the authority which shall rule it, and apply the remedies to so many complicated disorders. I do not believe that any part of the conduct of General Clavering, Colonel Monson, and Mr. Francis, or any proofs that they have given of their integrity or abilities, will operate to my prejudice, or recommend them for the charge of such a state. Nevertheless, even a determination in their favour would be better than to leave things as they are, for while every proposition which comes before the Board of whatever nature receives the tincture of party, even the absolute authority which they possess must prove insufficient to conduct them with consistency through their own measures or designs.

My respectable friend, Sir Elijah, has undertaken to give my plan for the better administration of justice, which went by the last ship, and which I hope you have read, the form of an act of parliament, and I hope he will be able to complete it in time for it to go by this packet. All the judges approve of it, and I like it myself, which is not always the case with my own productions.

I cannot wish to deceive you, and you will think better of me than to suspect me of endeavouring to make you the instrument of deceiving others. With this preface I assure you that it is scarce possible to have acted with more moderation or caution than Sir Elijah has observed in all cases in which the ordinary process of Supreme Court was likely to affect the collection and management of the public revenue. Indeed, the other judges merit the same testimony in their favour. Had a cordial understanding subsisted between the Court and the Council, much of the inconvenience that has arisen from the writs of the Court would have been avoided, nor would the revenue have been in the least affected by them; but it seems to have been a maxim of the Board to force the Court into extremities for the purpose of finding fault with them. Yet in many cases the acts of the Court have been, and must continue to be, the unavoidable cause of embarrassment. This is owing to a defect in its constitution. By the limitation of its powers it must ever remain a doubt what is the extent of them, as every man in the provinces is in reality subjected to the authority of the Company. If it was constituted to protect the people from oppression, that design would be entirely frustrated were the Board at liberty to employ agents who should be exempt from its authority; and you will have seen many instances in the papers which I have sent home of the most glaring acts of oppression committed by the Board which would have produced the ruin of the parties over whom they were exercised but for the protection of the Court. Great complaints have been made of zemindars and others, who are not liable

to the jurisdiction of the Court by the plain construction of the Act, having been arrested, and some thrown into prison by its warrants. But no attention has been paid to the necessity which there is of bringing the persons who are even excluded by the Act from the jurisdiction of the Court in the same way before it to establish their exemption. They may plead to its jurisdiction, and obtain their discharge ; but till this is done, I cannot see how it is possible to make the distinction, for if every man who declared himself to be no British subject, nor employed by any, was, in virtue of his own declaration, to be exempted from their authority, all men would make the plea. Their right to this exemption must be tried to be known, and they must be compelled to appear, or give bail for their appearance, that it may be tried.

The truth is, that a thing done by halves is worse than if it were not done at all. The powers of the Court must be universal, or it would be better to repeal them altogether. The attempt to make a distinction has introduced the most glaring absurdities and contradictions into the Act which virtually declares the British sovereignty over the provinces even in the qualifications which are made use of to limit it. It is declared that the jurisdiction of the Court shall be exercised over all British subjects, and over all who are, or ever were, in the employ of British subjects, that is over those who are not British subjects, and of course have no relation or dependence on the British sovereignty, which is thus usurped over them. Even in the most ordinary process of the Court, the distinction must be broken through or all its acts

impeded. The issuing of subpœnas to witnesses is as much an act of authority as warrants of capias, and the parties on whom they are served must be liable to penalties in case of disobedience; yet it would be the extreme of absurdity to say that no man should be compelled to appear as an evidence who was not a British subject, because it would be impossible in such a case to administer justice; and it is equally a contradiction to say that the persons over whom the authority of the British law is thus exercised are not amenable to it.

I hope that my plan will be found to provide the most effectual relief against all the imperfections of the Act as it now stands. On the one hand, it proposes to give to the Supreme Court an unlimited (but not exclusive) authority over all; and on the other, it provides for the administration of justice in all cases to which its jurisdiction cannot conveniently extend, without the danger of a competition with it. In this coalition of the British judicature with the Dewanny, the latter will obtain a more steady and confirmed authority than it has yet ever possessed; and being open to the daily inspection and control of the judges, the Dewanny Courts will acquire a more regular and legal form than they could have if left to themselves. But I trust the design will best speak for itself, for it has at least the merit of simplicity and precision, if it possesses no other. One only alteration has been made in it in the draft which Sir Elijah is making for me. The superintendent of the Court, called Adawlut Dewanny Zillajaut, who was proposed to be a member of the Provincia Council, as is now the case, holding that office by rotation, is now proposed to be an independent

officer (I mean independent of the Provincial Council), and to be removable only for misconduct or by voluntary resignation ; and he is to be the judge of all causes that do not immediately regard the revenues (as disputes between farmers, and other proprietors or agents of the collections), which are left to the Provincial Councils.

Mem.—The Superintendent at present holds his office in monthly rotation. My plan lengthens it to a year. Mr. Chambers, on the same grounds, suggested the propriety of making it perpetual, and to be held by a person not a member of the Provincial Council, which I immediately adopted, the Chief Justice concurring in the same opinion.

There is one point which makes me dread exceedingly the bad effects of a longer continuance of the present scene of disorder. The five years' settlement expires in March 1777. Many previous arrangements ought to be made some time before the new settlement takes place. I would, had I power, begin them now, but nothing can be done by the present government, which has no principle but that of faction to guide it, and God help this country if it is decided that it shall be left to such rulers.

I have already made my letter of so enormous a size, that I ought in conscience to put an end to it; but I have been long used to treat you as the confidential repository of my thoughts as they flow warm from my imagination in their natural order, and without correction or reserve, and I have one matter still remaining which is too nearly connected with my own feelings to be suppressed.

I had lately occasion to look over my letters, which were written before the new government

took place, to the Court of Directors, and other papers which were written before that period either in recommendation of my own measures, or in refutation of the objections which were made to them. I was struck with the contrast of my own mode of conduct with that of General Clavering and his associates in a more steady adherence to one principle than I myself had ever before suspected, having conformed to it more from the prevailing bent of my own disposition, than from attention to it as a fixed rule of action.

I believe it will be admitted that the government of Bengal never underwent a greater number of variety of changes in all its departments than in the short interval of time in which I presided in it. It seems almost a necessary consequence that new measures imply that the old are wrong, and of course the authors of them deficient either in integrity, ability, or attention. What a field for personal obloquy was this for a man whose feelings might be wounded by the personal successes of men wealthier than himself, or whose spirit could descend to undermine the reputations of others for the sake of building his own on their ruins!

It is with a pride of heart, in which, if I know yours, it will join, that I can now declare that in all the time which I have been speaking of, I never, either in my public minutes or letters, or in my separate addresses to the Court of Directors, or their Secret Committee, to whom I could have written what I pleased without the hazard of a reply from those whose conduct I might have impeached; nor, I verily believe, in any part of my private correspondence, made use of any argument or assertion which could be imputed to

me as proceeding from the least personal ill-will to any of my predecessors, or present opponents in the service. I do not remember that I had ever occasion to make use of the names of either Mr. Cartier, Mr. Verelst, or even Lord Clive; or that in the heat of contest (and I have at times had strong provocation), I ever suffered my pen to express so great a degree of warmth against any man as I have shown (and that never with intemperance, at least I hope not) in private explanations. Sir Robert Barker, Graham, and Barwell are instances of this. These gentlemen might find much cause to be pleased with what I have written unknown to them, but none (I am sure) to complain that I have ever used their names to their discredit.

My conduct to the inferior servants of the Company has been marked with the same moderation. Many sources of profit were shut up, and strict rules made for contingent disbursements, which at one time rendered me very unpopular; but I am told that those who were most offended at these restraints now do me the justice to acknowledge their necessity, and to testify that in enforcing them, I never suffered myself to be biased by partiality or prejudice to any man.

Many of my letters to the Company, and many of a private nature, but addressed to persons of high rank, or great influence, have treated of the disorders and irregularities of the service, but these I have always attributed (as in my heart I still do) to a defective constitution, not to a depravity of principle in the servants of the Company.

To conclude, whatever may be the lot perhaps

already assigned me, I am certain that if ever I am compelled to submit my conduct to the public, my character will stand as fair in their eyes, and my integrity as unblemished as those of any man who ever served the Company, though in abilities I may have been exceeded by many.—I am with the warmest affection and the truest esteem, dear Sir, your faithful and most obedient servant.

PS.—Since writing the above, all that I have said about our Mahratta negotiations is rendered of no consequence. The declaration of the Poona ministers proved to be a mere bravado. By a letter since received from Colonel Upton, dated 24th February, we are informed, that they have assented to the treaty with all the conditions which he required of them, which amount to little more than, that we shall keep Salsette, which we have got, and they Bassein which we could not take; I am too much hurried to give you the particulars. I have written to Mr. Elliot fully upon them, and he will show you my letter. I have taken much pains to temper the severity of our Board, in their letters to Bombay; and Mr. Taylor, if he has done me justice, will have told you, that he has profited by my advice. You long ago knew my wish to see a control given to this government over the other Presidencies, but I never meant such a control as is now exercised; nor did the Parliament mean it. The Act gives us a mere negative power, and no more. It says the other Presidencies shall not make war nor treaties without the sanction of this government, but carefully guards against every expression which can imply a power to dictate what the other Presidencies shall do; much less does it authorize the

Governor-General and Council to make cessions and exchange places for the other Presidencies. Instead of uniting all the powers of India, all the use we have hitherto made of this Act of Parliament has been to tease and embarrass.

12. *Warren Hastings to Alexander Elliot, 12 January 1777*

My Dear Elliot,

This letter will comprise one connected subject; and to render this intelligible, I shall take it up from a very early period.

After the famous defeat of the Mahrattas at Ponniput, Sudaba, the second officer in command, and the first cousin of Ragonaut Row or Ragoba, the late Peshwa and competitor of the ministers of Poona, was missing, and supposed to have been slain. About three years after, a man disfigured with wounds made his appearance, under the name of Sudaba, with a small force; was attacked and defeated, made prisoner, and exposed as an impostor by the ruling Peshwa. From that time he continued a prisoner till the month of April last, when he escaped from his confinement, collected a considerable army, and even made himself master of all the country called Concan, which lies between the hills and the sea. On the 27th of October he ventured on an engagement with the forces of the actual government, was totally routed, put to sea in a small vessel, and sailed to the island of Bombay, where he demanded protection. Unfortunately for him, the governor and second in command were both absent at Salsette, and Dr. Draper, who had charge of the fort, sending two persons of inferior

rank to receive him, the devoted fugitive construed this into an insult, and in a fit of ill-timed pride instantly departed, threw himself into the hands of a Mahratta chief named Ragoojee Angria, who delivered him up a prisoner to the ministers of Poona. Ragonaut Row, more fortunate, escaped to Bombay, where he was received, and probably continues there. It is said that Mr. Hornby, on the first news of Sudaba's confinement, sent a deputation to Ragoojee Angria to demand him, with a declaration of war in case of a refusal. Such, at least, is the representation of this affair which we have received from Poona, where both this measure and the asylum granted to Ragoba are treated as acts of hostility against the Mahratta state and direct infringements of the treaty. We too have taken up the charges as such, and sent peremptory orders to the Presidency of Bombay to dismiss Ragonaut Row. In the meantime Colonel Upton continues, notwithstanding our repeated orders for his recall, at Poona, whether by his free consent or by constraint is uncertain. The style both of his letters and those of the Peshwa seems to confirm the common report of his being detained by force. This is not the only suspicious circumstance. All the letters from Poona, both before and since the ratification of the treaty, are filled with reproaches for the hostile acts which preceded it, and even strong indications that the authors of them did not regard the treaty as binding but on the persons only who signed it. Their last letters, which were written immediately after the overthrow of Sudaba, contain a demand in behalf of the King of Tanjore, whose name never before appeared in any papers of their

correspondence or the negotiation with Colonel Upton. These are, at best, but doubtful symptoms; and, added to the indisposition which the Presidency of Bombay have all along shown to the late treaty, portend but a short duration to the peace concluded by it.

By the overthrow of Sudaba, the intestine troubles which have so long disturbed the Mahratta state appear to have been so far appeased as to leave them at full leisure to prosecute remote undertakings. The same letters that brought us the news of this event also informed us that the ministers had set on foot an expedition against Hyder Ally. By other channels we learn that Nizam Ally Cawn and Moodajee Boosla, the Rajah of Berar, have been invited and have agreed to join their forces on this occasion.

So sudden a revival and reunion of the powers of this great empire, and so sudden an application of them immediately on the close of a long civil war, indicate a degree of vigour in its constitution which cannot fail to alarm the friends of the Company, if the subsequent appearances shall warrant this conclusion. I think they will not, but persuade myself that the present conjuncture is no less favourable than any of the past (always excepting the ill-fated treaty with Ragoba) for advancing the interests of the Company, and extending their influence and connexions. I will tell you why.

In the first place, a confederacy formed between the Peshwa, the Subadar of Deccan, who has plundered the Mahrattas of a great part of the Poona state, and the Chief of Berar, its nominal vassal, all possessing mutual claims on each other,

and swayed by opposite interests, cannot hold long together. In the second, the government of Poona is weak in itself, by want of constitutional authority in those who possess the rule of it, and by want of unanimity among themselves. Nana Maraba Furneess, one of their principal members, has openly separated himself from the rest. Their chief, Succaram Babboo, is old and infirm; and both he and Nana Furneess, who are the only parties to the treaty lately concluded with us in the name of the Mahratta state, lately demanded and received passports from the government to retire to Benares, with the avowed design of passing the remainder of their lives there in devotion. This design, though probably suggested only by the personal dangers to which they were exposed by the rapid successes of Sudaba, must diminish the confidence and respect which are the natural attendants of a fixed and regular authority. And thirdly, the government of Berar possesses in it the seeds of civil discord, which are at this time ready to spring up on the first occasion that can favour their growth. This is a subject that requires me to be more explicit than I have been on others, and this too I must take up *ab ovo*.

Ragoojee Boosla, the Rajah of Berar, the same person who invaded Bengal, and subjected it to the Chout in the time of the Nabob Alliverdy Cawn, dying, left four sons, Jannoojee, Shabajee, Moodajee, and Bimbajee. Jannoojee succeeded him. He, having no child, adopted the son of Moodajee, who was called by the name of his grandfather, Ragoojee. On the death of Jannoojee, Shabajee, the second brother, succeeded to the government, but held it in the name of his nephew,

the legal heir. This was the cause of continual dissensions between the two brothers—Shabajee holding the government in right of primogeniture, Moodajee claiming it on the behalf of his own son, though the legal affinity between them was changed by his elder brother's adoption. In the late dissensions between Ragonaut Row and the ministers of Poona, Shabajee took part with the former, and Moodajee with the latter; but their own affairs calling them home before those were decided, they came to an open rupture. Shabajee was slain, and his brother assumed the government in his stead.

Here I must go back to relate another transaction more immediately connected with the subject of this letter. Shabajee, a little before his return to Berar, sent a Vackeel, named Beneram Pundit, to Calcutta, with a letter containing professions of friendship and a desire to be on terms of alliance with this government. I thought this an occasion not to be slighted, and returned such an answer as was most proper to encourage the wishes of Shabajee without expressing too interested a solicitude to meet them; and I sent the Vackeel back big with the project of uniting the province of Berar to this government on terms similar to those which had been formed with Sujah Dowla by the treaty concluded at Benares, and which I may venture to say were such as afforded the Company every advantage that could be derived from such an alliance without derogating from the dignity or credit of our ally.

While Beneram was on his return, the revolution took place which I have mentioned above; and as he was known to be the confidential servant

of Shabajee, some time elapsed before he ventured to return to his new master. Being at length, however, invited to come, he went and was well received. Moodajee read the letters, and answered them as addressed to himself; and after some time, thought proper to send him back in his former character, with handsome professions, but general, and with no declared object or instructions. A very friendly, and in some sort confidential, correspondence, however, has continued between us ever since. From Beneram Pundit, I learn that the same feuds which formerly divided the two brothers while Shabajee was living, are now likely to break out between Moodajee and his son, who is now about nineteen years of age, and begins to look upon his father as the usurper of his rights. In these sentiments he has been confirmed by a man who has been the successive minister of the three brothers, named Dewaugur Pundit, who finds himself of too little consequence with his present master, and naturally concludes that he shall acquire a greater ascendant on the mind of his young pupil, if he should succeed in obtaining his advancement to the possession of the government. By the intrigues of this man, Nizam Ally has been induced to invite Moodajee Boosla to his court, for the purpose of concerting measures for their common interests, or to send his Dewan if he should be prevented from attending himself. To the last proposition Moodajee has consented, as he mentions in a letter I have lately received from him; and I understand that it is proposed that Ragojee shall accompany him, with the secret design of gaining the support of Nizam Ally in the prosecution of the projects against Moodajee.

Whatever may be the issue of these measures, a proper attention to the circumstances as they arise might put it easily in the power of this government, were it duly authorized, to convert them to the advantage of the Company without any sacrifice of their faith or hazard of their interests.

We have a battalion of sepoys already stationed in the districts bordering on Berar, and another added to it would be sufficient to answer any purpose for which they might be wanted.

It is impossible to foresee the circumstances on which our interposition may be demanded, or on which it could be honourably given, and therefore impossible to anticipate the mode of it.

You are already well acquainted, however, with the general system which I wish to be empowered to establish in India, namely, to extend the influence of the British nation to every part of India not too remote from their possessions, without enlarging the circle of their defence or involving them in hazardous or indefinite engagements, and to accept of the allegiance of such of our neighbours as shall sue to be enlisted among the friends and allies of the King of Great Britain. The late Naboob Sujah Dowla, who wanted neither pride nor understanding, would have thought it an honour to be called the Vizier of the King of England, and offered at one time to coin siccas in His Majesty's name. Nor was this a mere visionary project; the credit of such a connexion with the sovereign of a power which has for a long time past made so considerable a figure in Hindostan would of itself be a great advantage. But I am afraid that his chief inducement arose from a great defect in our political

constitution, of which he had severely felt the bad effects; I mean the rapid succession of persons entrusted (under whatever name or character) with the rule and administration of the British affairs in this part of our Indian possessions; the consequent want of consistency in their measures, and even in their attachments and engagements; and the caprices to which he was often exposed on the same account. Had he possessed the spirit of foresight, he would have had severe cause for these reflections in the miserable state of penury and servitude to which his son has been since reduced, ineffectually to our interests, as every excess of power beyond its proper bounds will ever defeat its own purposes. Nor indeed has the son much cause to complain of an injury which he has scarce sense or sensibility to discover; although it must be redressed whenever that state has a more worthy ruler, and the sovereignty restored with all its rights unimpaired to the lawful proprietor. But I wander from my subject. My intention in this digression is to show the advantages which would be derived both by Government and its allies from a direct engagement with them, made with the sanction of the King's name, which would secure it from wanton and licentious violation and render the objects of it more certain and durable.

On this footing I would replace the subaship of Oude. On this footing I would establish an alliance with Berar. These countries are of more importance to us than any others from their contiguity to ours, and therefore it is of consequence to settle their connexion with us before that of any other. But the same system might be rendered more

extensive by time, and the observance of a steady principle of conduct, and an invariable attachment to formal engagements.

I will not here enumerate all the advantages which may be derived from this plan to you especially, to whom I have long ago explained personally my views and sentiments upon this subject. Indeed, except a short and rather obscure intimation of it in one of my letters to Lord North, I have communicated it to no person but Colonel MacLeane and yourself; and that is my principal reason among others for having written to you rather than any one else upon the various points contained in this letter. To enable me to carry it into execution, I must be released from the restrictions which I at present lie under; I must have discretionary powers, and a fixed channel of correspondence.

I shall follow the subject no further, but leave it here to your discretion to make such use of it as you shall judge most likely to prove effectual to its execution, or to suppress it. I am aware that I tread on dangerous ground, exposed to the ill-will of the Company, if they look to the renewal of their Charter, and to all the popular and rooted prejudices which are entertained against the expensive projects of military enterprise, and the injustice of disturbing the peace of our quiet neighbours; for this construction will be given to it. To answer these and the other objections to this plan would require much time and argument; but though this might be necessary to the support of a proposition calculated for the public eye, it will not be wanted on this occasion, as I hope it will be only seen by those who are to adopt it, and to whom its

obvious consequences will need little explanation. I trust it to you in confidence, and desire that you will impart it with the same caution, that I may not suffer by the attempts to raise the power of my country, and to extend the influence of the King's name among nations to which it is yet unknown, if the means which I have recommended should be judged inadequate to such laudable ends, or impolitic with respect to other circumstances. Of their justice and moral propriety I have no doubt. I am ever, my dear Elliot, your most affectionate friend.

10th February 1777.

My Dear Elliot,

The accompanying letter was written and intended for the last dispatch. It contains the particular application of a system with which you are already well acquainted. Whatever my own conviction may be of its expediency, I am tied down from acting directly, nor can I employ even influence with the rod of authority hanging over my head.

Nor is this my only difficulty. I cannot communicate a subject of this nature through any official channel. If I write to the Secret Committee, they are too many to be entrusted with it. They may not all be disposed to receive a proposition from me with candour; and bodies of men, however small, are always indifferent to the business which is brought regularly before them. I cannot write to the Chairman, because, in the first place, I know not who he is; and in the second, because the gentlemen who hold the first stations in the Direction at this time, are, as I understand, my

professed enemies, and would be therefore more likely to draw conclusions from what I wrote to my disadvantage than to adopt my recommendations. Neither can I approach the King's minister on such an occasion without some preparatory caution, in which his leisure, his inclinations, and the ability of the times should be consulted.

It is impossible for me to foresee what may be the dispositions in England when this letter shall arrive. It is equally impossible to reconcile the different orders which the Court of Directors last year gave us for our conduct towards the powers of India. They desire us upon no account to enter into any wars, however advantageous to the Company, and they at the same time direct us to co-operate with the Presidency of Bombay in keeping possession of the lands which Ragobah ceded to them by treaty. The first is an absolute prohibition to interfere in the politics of India. The last is a positive order to interfere, and to engage in a war with the first power in India.

Being thus at a loss to judge of the views of the Court of Directors, I am still more so to judge of those of the King, to the knowledge of which I have no access. I must therefore leave it to you to consider well the disposition of the times, and of the ministers. If you have reason to believe that such a system as I have recommended will be approved, I trust to you to make use of such means as you shall judge most likely to promote it. If, on the contrary, men's minds are adverse to the extension of our influence, you had best say nothing about it, as it can serve no good purpose, and may be turned to my disadvantage.

These dispatches I shall entrust to Captain

Toone. You know his worth, and my affection for him. I have earnestly recommended his return if he can recover his constitution; and if your interest can promote his views you will oblige me by serving him. I am ever, my dear Elliot, your most affectionate friend.

PS.—Sudaba, who is mentioned in the accompanying letter, has been put to death, having been beaten with clubs till he expired. This, you know, is not murder, but simple manslaughter by the doctrine of Abbi Haneefa; but seems to have been done by these Hindoos to avoid the shedding of sacred blood; an argument in favour of Sudaba's cause.

For a fuller explanation of the design, which is contained in my letters of the 12th ultimo, I have drawn it up with as much accuracy as my time would allow in a methodical form in the enclosed sheets, which I trust to your discretion to make such use of as you think proper. It is yet incomplete, as I could only venture to propose what I saw a moral certainty of accomplishing. In the natural operation of such an influence once established many important objects will start up which it is impossible to foresee, and many which, though within the reach of conjecture, would appear visionary if formally detailed. I have no fear of its failing to produce the good effects which I have described, nor even much greater. The only danger which I should apprehend would be from the attempt to make the most of it that could be made. The rapacity of individuals, and the emulation of those in actual power to surpass their predecessors, will ever prove the greatest evils of our political system. Our alliance with

the Nabob of Oude is a striking illustration of this. It was in the beginning an unprofitable charge to the Company. It was placed on a footing of mutual advantage to both. It is now become an oppressive burthen on that province, which must soon fall with increased weight on the Company. The late Vizier paid to the Company a tribute of 25,20,000 rupees, and cheerfully paid it. It was optional, because he was at liberty to dismiss the brigade when the exigency of his affairs no longer required it; and he could safely dispense with it. The present Nabob has yielded up a revenue of twenty-three lacs in the cession of Benares; he pays, or rather ought to pay, 31,20,000 rupees a year for the subsidy; and we have added to his expenses an extravagant military establishment which, at its estimated amount, is an annual charge of above forty lacs. So that we are in fact the distributors of a crore of rupees drawn from his treasury, which is already exhausted, and that part of his army which still remains under his own direction is rendered a useless and even dangerous encumbrance, because he cannot pay it. Our brigade, therefore, must continue a fixture to that province, which would be a prey to the meanest invader the instant that it was deprived of its support.

Many of the propositions in this scheme require explanation. This you can give, but I have no time, and I have already made it too long. Nudjif Cawn's pension is due in justice to him, as he quitted us unwillingly, and followed the King at the express solicitation of the commander-in-chief of our army. He has ever proved faithful to us, and possesses such resources in his military talents, and in the credit of them, that while he lives he

will be our best shield against the only enemy which we have to dread in that quarter, the Mahrattas. He has no money, and can therefore pay no subsidy, and whenever he dies, we must look to other means of defence on that frontier of our possessions and those of our ally.

If peace is to be our object, I cannot devise a more likely way to ensure it than to command all the means of war, and this is the only use I would wish even to make of the plan which I have proposed, if it is adopted while I remain here. This, I suppose, will not be long, I wish it not, unless I possess power and confidence, and shall be better pleased to be recalled at once than to remain with a doubtful authority till the short time is passed which has been allotted me by Parliament, and then go out of course. I would not accept of an empire on such terms. If I must give the place to General Clavering, he will revenge the injustice done me by it, if I could seek such a revenge; and if a new member is added in the room of Colonel Monson, I shall expect the renewal of the same violences which I have already experienced, for I cannot hope that the choice will fall on a friend of mine. Besides, it is not in nature for five men to share the same power, and not to divide into factions, when one man can always make a majority.

13. *East India Company Act, 1784* *(24 Geo. III, s. 2, c. 25)*

An Act for the better regulation and management of the affairs of the East India Company, and of the British possessions in India; and for establishing a Court of Judicature for the

more speedy and effectual trial of persons accused of offences committed in the East Indies.

For the better government and security of the territorial possessions of this kingdom in the East Indies, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same. That it shall and may be lawful to and for the King's Majesty, his heirs and successors, by any commission to be issued under the great seal of Great Britain, to nominate and appoint such persons, not exceeding six in number, as His Majesty shall think fit, being of His Majesty's most honourable Privy Council, of whom one of His Majesty's Principal Secretaries of State for the time being, and the Chancellor of the Exchequer for the time being, shall be two, to be, and who shall accordingly be, Commissioners for the affairs of India.

II. And be it further enacted by the authority aforesaid, that any number, not less than three of the said Commissioners, shall form a Board for executing the several powers which, by this or any other act, shall be vested in the Commissioners aforesaid.

III. And be it further enacted, that the said Secretary of State, and, in his absence, the said Chancellor of the Exchequer, and, in the absence of both of them, the senior of the said other Commissioners, according to his rank in seniority of appointment, shall preside at, and be president of the said Board; and that the said Commissioners shall have, and they are hereby invested with, the

superintendence and control over all the British territorial possessions in the East Indies, and over the affairs of the United Company of Merchants trading thereto, in manner hereinafter directed.

IV. And be it further enacted, that in case the members present at the said Board shall at any time be equally divided in opinion, in respect to any matter depending before them, then, and in every such case, the then President of the said Board shall have two voices, or the casting vote.

V. And be it further enacted, that it shall and may be lawful for the King's Majesty, his heirs and successors, from time to time, at his and their will and pleasure, to revoke and determine the Commission aforesaid, and from time to time to cause any new Commission or Commissions to be sealed as aforesaid, for appointing any other person or persons, being of His Majesty's most honourable Privy Council, of whom, one of his Majesty's principal Secretaries of State, and the Chancellor of the Exchequer for the time being, shall always be two, to be Commissioners and Members of the said Board, when and so often as His Majesty, his heirs or successors, shall think fit, so that the number of Commissioners therein to be named shall in no wise exceed the aforesaid number of six.

VI. And be it further enacted, that the said Board shall be fully authorized and empowered, from time to time, to superintend, direct, and control, all acts, operations, and concerns, which in any wise relate to the civil or military government or revenues of the British territorial possessions in the East Indies, in the manner hereinafter directed.

XI. And, to the intent that the said Board may

be duly informed of all transactions of the said Company, in respect to the management of their concerns in the East Indies; be it further enacted that all the members of the said Board shall, at all convenient times, have access to all papers and muniments of the said United Company, and shall be furnished with such extracts or copies thereof, as they shall from time to time require; and that the Court of Directors of the said United Company shall, and they are hereby required and directed, to deliver to the said Board, copies of all minutes, orders, resolutions, and other proceedings, of all general and special Courts of Proprietors of the said Company, and of the Court of Directors, so far as relate to the civil or military government or revenues of the British territorial possessions in the East Indies, within eight days after the holding of such respective Courts; and also copies of all dispatches which the said Directors, or any Committee of the said Directors, shall receive from any of their servants in the East Indies, immediately after the arrival thereof; and also copies of all letters, orders, and instructions whatsoever, relating to the civil or military government or revenues of the British territorial possessions in the East Indies, proposed to be sent or dispatched by the said Court of Directors, or any Committee of the said Directors, to any of the servants of the said Company in the East Indies; and that the said Court of Directors of the said United Company shall, and they are hereby required to, pay due obedience to, and shall be governed and bound by, such orders and directions as they shall from time to time receive from the said Board, touching the civil or military government and revenues of

the British territorial possessions in the East Indies.

XII. And be it further enacted, that, within fourteen days after the receipt of such copies last-mentioned, the said Board shall return the same to the said Court of Directors, with their approbation thereof, subscribed by three of the members of the said Board, or their reasons at large for disapproving the same, together with instructions from the said Board to the said Court of Directors, in respect thereto; and that the said Court of Directors shall thereupon dispatch and send the letters, orders, and instructions so approved or amended, to their servants in India, without further delay, unless, on any representation made by the said Directors to the said Board, the said Board shall direct any alterations to be made in such letters, orders, or instructions; and no letters, orders, or instructions, until after such previous communication thereof to the said Board, shall at any time be sent or dispatched by the said Court of Directors to the East Indies, on any account or pretence whatsoever.

XIII. And, for the readier dispatch of the civil and military concerns of the said United Company, be it further enacted, that whenever the Court of Directors of the said United Company shall neglect to transmit to the said Board their intended dispatches on any subject, within fourteen days after requisition made, it shall and may be lawful to and for the said Board to prepare and send to the Directors of the East India Company (without waiting for the receipt of the copies of dispatches intended to be sent by the said Court of Directors as aforesaid) any orders or instructions to any of

the governments or presidencies aforesaid, concerning the civil or military government of the British territories and possessions in the East Indies; and the said Directors shall, and they are hereby required to transmit dispatches in the usual form (pursuant to the tenor of the said orders and instructions so transmitted to them) to the respective governments and presidencies in India, unless, on any representation made by the said Directors to the said Board, touching such orders or instructions, the said Board shall direct any alteration to be made in the same; which directions the said Court of Directors shall in such case be bound to conform to.

XIV. And be it further enacted, that in case the said Board shall send any orders or instructions to the said Court of Directors, to be by them transmitted to India, which, in the opinion of the said Court of Directors, shall relate to points not connected with the civil or military government and revenues of the said territories and possessions in India, then, and in any such case, it shall be lawful for the said Court of Directors to apply, by petition, to His Majesty in Council, touching such orders and instructions; and His Majesty in Council shall decide whether the same be, or be not, connected with the civil or military government and revenues of the said territories and possessions in India; which decision shall be final and conclusive.

XV. Provided nevertheless, and be it further enacted, that if the said Board shall be of opinion that the subject matter of any of their deliberations concerning the levying of war or making of peace, or treating or negotiating with any of the native

princes or states in India, shall require secrecy, it shall and may be lawful for the said Board to send secret orders and instructions to the Secret Committee of the said Court of Directors for the time being, who shall thereupon, without disclosing the same, transmit their orders and dispatches in the usual form, according to the tenor of the said orders and instructions of the said Board, to the respective governments and presidencies in India; and that the said governments and presidencies shall pay a faithful obedience to such orders and dispatches, and shall return their answers to the same, sealed (under cover) with their respective seals, to the said Secret Committee, who shall forthwith communicate such answers to the said Board.

XVI. And be it enacted by the authority aforesaid, that it shall and may be lawful to and for the Court of Directors of the said United Company for the time being, and they are hereby required, from time to time, to appoint a Secret Committee, to consist of any number of the said Directors for the time being, not exceeding three; which Secret Committee shall, from time to time, upon receipt of any such secret orders and instructions concerning the levying of war or making of peace, or treating or negotiating with any of the native princes or states of India, from the said Commissioners for the Affairs of India, as are hereinbefore mentioned, transmit to the respective governments and presidencies in India a duplicate or duplicates of such orders and instructions, together with orders in writing, signed by them the members of the said Secret Committee, to carry the same into execution; and to all such orders and

instructions, so transmitted, the several governments and presidencies in India are hereby required to pay the same obedience as if such orders and directions had been issued and transmitted by the Court of Directors of the said United Company.

XVII. Provided also, and be it further enacted and declared, by the authority aforesaid, that nothing in this Act contained shall extend to give unto the said Board the power of nominating or appointing any of the servants of the said United Company; any thing herein contained to the contrary notwithstanding.

XVIII. And be it further enacted, that as soon as the office of any one of the counsellors of the presidency of Fort William in Bengal (other than the Commander-in-Chief) shall become vacant by death, removal, or resignation, the vacancy so happening shall not be supplied by the said Court of Directors, but the said Supreme Government shall from thenceforth consist of a Governor-General and three supreme counsellors only; and that the Commander-in-Chief of the Company's forces in India for the time being, shall have voice and precedence in Council next after the said Governor-General; any thing in any former Act of Parliament contained to the contrary notwithstanding.

XIX. And be it further enacted that the Government of the several presidencies and settlements of Fort Saint George and Bombay shall, after the commencement of this Act, consist of a Governor or President, and three Counsellors only, of whom the Commander-in-Chief in the said several settlements for the time being shall be one, having the like precedence in Council as in the

Presidency of Fort William in Bengal, unless the Commander-in-Chief of the Company's forces in India shall happen to be present in either of the said settlements; and in such case the said Commander-in-Chief shall be one of the said Counsellors, instead of the Commander-in-Chief of such settlement; and that the said Commander-in-Chief of such settlement shall during such time have only a seat, but no voice in the said Council.

XX. And be it further enacted, that the Court of Directors of the said United Company shall, within the space of one calendar month next after the passing of this Act, nominate and appoint, from amongst the servants of the said Company in India, or any other persons, a fit and proper person to be the Governor of the said Presidency or Settlement of Fort Saint George, and two other fit and proper persons from amongst the said servants in India, who, together with the Commander-in-Chief at Fort Saint George for the time being, shall be the Council of the same Presidency or Settlement; and that the said Court of Directors shall also, in like manner, and within the time aforesaid, nominate and appoint fit and proper persons to be the Governor and Council of the said Presidency or Settlement of Bombay, under the same restrictions as are hereinbefore provided in respect to the Governor or President and Council of Fort Saint George.

XXI. And be it further enacted, that in case the members present at any of the Boards or Councils of Fort William, Fort Saint George, or Bombay, shall at any time be equally divided in opinion in respect to any matter depending before

them, then, and in every such case, the said Governor-General or the Governor or President, as the case may be, shall have two voices, or the casting vote.

XXII. And be it further enacted, that it shall and may be lawful to and for the King's Majesty, his heirs and successors, by any writing or instrument under his or their sign manual, countersigned by the said Secretary of State, or for the Court of Directors of the said United Company for the time being, by writing under their hands, to remove or recall the present or any future Governor-General of Fort William at Bengal, or any of the members of the Council of Fort William aforesaid, or any of the governors or presidents, and members of the Councils, of the Presidencies or Settlements of Fort Saint George and Bombay, or of any other British Settlements in India, or any other person or persons holding any office, employment, or commission, civil or military, under the said United Company in India, for the time being; and to vacate and make void all and every or any appointment or appointments of any person or persons to any of the offices or places aforesaid; and that all and every the powers and authorities of the respective persons so removed or recalled, or whose appointment shall be so vacated, shall cease or determine at or from such respective time or times as in the said writing or writings shall be expressed and directed: provided always, that a duplicate or copy of every such writing or instrument, under His Majesty's sign manual, attested by the said Secretary of State for the time being, shall, within eight days after the same shall be signed by His Majesty, his heirs or successors, be transmitted or

delivered, by the said Secretary of State, unto the Chairman or Deputy Chairman for the time being of the said United Company, to the intent that the Court of Directors of the said Company may be apprised thereof.

XXIII. And be it further enacted, that whenever any vacancy or vacancies of the office of Governor-General or President, or of any member of the Council, shall happen in any of the presidencies aforesaid, either by death, resignation, or recall, as aforesaid, then and in such case the Court of Directors of the said United Company shall proceed to nominate and appoint a fit person or persons to supply such vacancy or vacancies from amongst their covenanted servants in India, except to the office of Governor-General, or the office of Governor or President of Fort Saint George or Bombay, or of any Commander-in-Chief, to which several offices the said Court of Directors shall be at liberty, if they shall think fit, to nominate and appoint any other person or persons respectively.

XXIV. Provided always, and be it further enacted, that the said Commanders-in-Chief, at each of the said presidencies respectively, shall in no case succeed to the office of Governor-General or President of Fort William, Fort Saint George, or of Bombay, unless thereunto specially appointed by the Court of Directors of the said United Company; but that in case of the vacancy of the said offices of Governor-General or President respectively, when no person shall be specially appointed to succeed thereunto, the Counsellor next in rank to such Commander-in-Chief shall succeed to such office, and hold the same, until some other

person shall be appointed thereunto by the said Court of Directors.

XXV. Provided always, and be it further enacted, that when and so often as the Court of Directors shall not, within the space of two calendar months, to be computed from the day whereon the notification of the vacancy shall have been received by the said Court of Directors, proceed to supply the same, then and in any such case, and so often as the same shall happen, it shall be lawful for His Majesty, his heirs and successors, to constitute and appoint, by writing under his or their royal sign manual (under the same restrictions and regulations as are hereinbefore provided, with respect to the nominations and appointments made by the said Court of Directors), such person or persons as His Majesty, his heirs and successors, shall think proper to succeed to and supply the respective office or place, offices or places, so vacant or from which any person or persons shall be so recalled or removed, or whose appointment or appointments shall have been vacated and made void as aforesaid; and that every person or persons, so constituted and appointed, shall have and be invested with the same powers, privileges and authorities, as if he or they had been nominated and appointed by the said Court of Directors, and shall be subject to recall only by the King's Majesty, his heirs or successors; any thing herein contained to the contrary notwithstanding.

XXVI. And be it further enacted, by the authority aforesaid, that it shall and may be lawful to and for the Court of Directors of the said United Company, if they shall so think fit, subject to the like limitations and restrictions as are

hereinbefore enacted, respecting the persons qualified to be appointed members of the Government of the respective settlements of the said United Company at Fort William, Fort Saint George, and Bombay, to appoint, from time to time, fit and proper persons to succeed, in case of vacancy, to the several offices of Governor-General or President of Fort Saint George or Bombay, or Commander-in-Chief of the said Company's forces at any of the said settlements, or member of any of the said Councils; and such appointments respectively at their pleasure again to revoke; but that no person so appointed to succeed to any of the said offices, in case of vacancy, shall be entitled to any salary, advantage, or allowance whatsoever, by reason of such appointment, until such persons respectively shall take upon themselves the offices to which they shall so respectively have been appointed.

XXVII. And be it further enacted by the authority aforesaid that when and so often as the number of members of any of the said Councils of Fort William, Fort Saint George, or Bombay, shall, by death, or absence, by reason of sickness or otherwise, for fourteen days be reduced to two, including the Governor-General or President of such Council, the person who shall stand senior in such provisional appointment as is hereinbefore mentioned, or in case there shall be no such appointment, then the senior civil servant of the said Company upon the spot, shall be called to such Council, and shall have a voice therein in like manner as if he had been appointed thereunto by the Court of Directors of the said Company, and shall hold such office in case the vacancy shall have happened by death, until a successor thereunto

shall be appointed by the said Court of Directors; or if such vacancy shall have happened by absence or sickness, until the return or recovery of such sick or absent member; and that all persons so exercising the office of a Counsellor at any of the said presidencies shall be entitled for the time he shall so hold the same, to the like advantages, as if he had been thereunto permanently appointed by the said Court of Directors.

XXVIII. And be it further enacted, that no resignation to be made of the offices of the Governor-General, or Governor or President of any of the subordinate settlements, or Commander-in-Chief, or members of the respective Councils of any of the said presidencies in India, shall be deemed or construed to be legal or valid, or shall be accepted as such, unless the same be made by an instrument in writing under the hand of the officer or person resigning the same.

XXIX. And be it further enacted, that no order or resolution of any General Court of the proprietors of the said United Company shall be available to revoke or rescind, or in any respect to affect, any act, order, resolution, matter, or proceeding, of the said Court of Directors, by this Act directed or authorized to be made or done by the said Court after the same shall have been approved by the said Board, in the manner hereinbefore directed; any law or usage to the contrary notwithstanding.

XXX. And be it further enacted, that so much and such parts of an Act, made in the twenty-first year of the reign of his present Majesty, as directs the Court of Directors of the said United Company to deliver to the Commissioners of the Treasury,

or to the High Treasurer for the time being, or to one of His Majesty's principal Secretaries of State, copies of any letters or orders relating to the management of the revenues, or to the civil and military affairs of the said Company; and also all such powers and authorities given to or vested in the Proprietors and Directors of the said United Company, or in any General or Special Court thereof respectively, in and by any Act of Parliament or Charter, as are contrary or repugnant to this Act, or anything herein contained, shall be, and the same are hereby repealed; anything contained in any Act or Charter, or any custom or usage to the contrary notwithstanding.

XXXI. And be it further enacted, that the Governor-General and Council of Fort William aforesaid shall have power and authority to superintend, control, and direct the several presidencies and governments now or hereafter to be erected or established in the East Indies by the said United Company, in all such points as relate to any transactions with the country powers, or to war or peace, or to the application of the revenues or forces of such presidencies and settlements in time of war, or any such points as shall, from time to time, be specially referred by the Court of Directors of the said Company to their superintendence and control.

XXXII. And, in order to prevent the embarrassment and difficulty which may arise from any question, whether the orders or instructions of the Governor-General and Council of Fort William relate to other points than those aforesaid, be it further enacted, that notwithstanding any doubt which may be entertained by the said presidencies or settlements to whom such orders

or instructions shall be given, respecting the power of the Governor-General and Council to give such orders, yet the said presidencies or settlements shall be bound to obey such orders and directions of the said Governor-General and Council in all cases whatever, except only where they shall have received positive orders and instructions from the said Court of Directors, or from the Secret Committee of the said Court of Directors, repugnant to the orders and instructions of the said Governor-General and Council, and not known to the said Governor-General and Council at the time of dispatching their orders and instructions as aforesaid ; and the said Governor-General and Council shall at the time of transmitting all such orders and instructions, transmit therewith the dates of, and the times of receiving, the last dispatches, orders, and instructions which they have received from the Court of Directors, or from the Secret Committee of the said Court of Directors, or any of the points contained therein : and the said presidencies and governments, in all cases where they have received any orders from the said Court of Directors, or from the Secret Committee of the said Court of Directors, as aforesaid, which they shall deem repugnant to the orders of the said Governor-General and Council of Fort William, and which were not known to the said Governor-General and Council at the time of dispatching their orders and instructions as aforesaid, shall forthwith transmit copies of the same, together with an account of all resolutions or orders made by them in consequence thereof, to the Governor-General and Council of Fort William, who shall, after the receipt of the same, dispatch such further

orders and instructions to the said presidencies and settlements as they may judge necessary thereupon.

XXXIII. And be it further enacted, that the Governor-General and Council of Fort William aforesaid, and the several Presidents and Counsellors of Fort Saint George and Bombay, shall, at their several and respective Boards and Councils, proceed, in the first place, to the consideration of such questions and business as shall be proposed by the said Governor-General or Presidents respectively; and when and so often as any matter or question shall be propounded at any of the said Boards or Councils, by any of the Counsellors thereof, it shall be competent to the said Governor-General and Presidents respectively, to postpone or adjourn the discussion of the matter or question so propounded to a future day: provided always, that no such adjournment shall exceed forty-eight hours, nor shall the matter or question so proposed be adjourned more than twice, without the consent of the Counsellor who originally proposed the scheme.

XXXIV. And whereas to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honour, and policy of this nation: be it therefore further enacted by the authority aforesaid, that it shall not be lawful for the Governor-General and Council of Fort William aforesaid, without the express command and authority of the said Court of Directors, or of the Secret Committee of the said Court of Directors, in any case, except where hostilities have actually been commenced, or preparations actually made for the commencement

of hostilities, against the British nation in India, or against some of the Princes or States dependent thereon, or whose territories the said United Company shall be at such time engaged by any subsisting treaty to defend or guarantee, either to declare war or commence hostilities, or enter into any treaty for making war, against any of the Country Princes or States in India, or any treaty for guaranteeing the possessions of any Country Princes or States; and that in such case it shall not be lawful for the said Governor-General and Council to declare war or commence hostilities, or enter into any treaty for making war, against any other prince or state than such as shall be actually committing hostilities, or making preparations as aforesaid, or to make such treaty for guaranteeing the possessions of any Prince or State, but upon the consideration of such Prince or State actually engaging to assist the Company against such hostilities commenced, preparations made as aforesaid; and in all cases or where hostilities shall be commenced, or treaty made, the said Governor-General and Council shall by the most expeditious means they can devise, communicate the same unto the said Court of Directors, together with a full state of the information and intelligence upon which they have commenced such hostilities, or made such treaties, and their motives and reasons for the same at large.

XXXV. And be it further enacted, that it shall not be lawful for the Governors or Presidents, and Counsellors, of Fort Saint George and Bombay, or of any other subordinate settlement respectively, to make or issue any order for commencing

hostilities, or levying war, or to negotiate or conclude any treaty of peace, or other treaty, with any Indian Prince or State (except in cases of sudden emergency or imminent danger, when it shall appear dangerous to postpone such hostilities or treaty), unless in pursuance of express orders from the said Governor-General and Council of Fort William aforesaid, or from the said Court of Directors, or from the Secret Committee of the said Court of Directors; and every such treaty shall, if possible, contain a clause for subjecting the same to the ratification or rejection of the Governor-General and Council of Fort William aforesaid: and the said presidents and counsellors of the said Presidencies and Settlements of Fort Saint George and Bombay, or other subordinate settlement, are hereby required to yield due obedience to all such orders as they shall from time to time respectively receive from the said Governor-General and Council of Fort William aforesaid, concerning the premises.

XXXVI. And be it further enacted that all and singular the said Presidents and Counsellors who shall wilfully refuse to pay due obedience to such orders and instructions as they shall receive from the said Governor-General and Council of Fort William as aforesaid, shall be liable to be suspended from the exercise of their respective offices or powers, by order of the said Governor-General and Council of Fort William; and all and every of them are hereby further required, constantly and diligently to transmit to the said Governor-General and Council of Fort William aforesaid, true and exact copies of all orders, resolutions, and Acts in Council, of their respective governments, presidencies and councils, and also advice and

intelligence of all transactions and matters which shall come to their knowledge, material to be communicated to the Governor-General and Council of Fort William aforesaid, or which the said Governor-General and Council shall from time to time require.

14. *Edmund Burke on the Impeachment of Warren Hastings, 15–19 February 1788*

My Lords,

The gentlemen who have it in command to support the impeachment against Mr. Hastings, late Governor-General of Bengal, have directed me to open a general view of the grounds upon which the Commons have proceeded in their charge against him ; to open a general view of the extent, the magnitude, the nature, the tendency, and effect of the crimes with which they have charged him ; and they have also directed me to give such an explanation, as, with their aid, I may be enabled to give, of such circumstances, preceding or concomitant with the crimes with which they charge him, as may tend to explain whatever may be found obscure in the charges as they stand. And they have further commanded me, and enabled me, I hope and trust, to give to your lordships such an explanation of anything in the laws, customs, opinions and manners, of the people concerned, and who are the objects of the crimes with which they charge him, as may tend to remove all doubt and ambiguity from the minds of your lordships upon these subjects. The several articles as they appear before you, will be opened by the other gentlemen with more distinctness, and without

doubt with infinitely more particularity, when they come to apply the evidence that they adduce to each charge. This is the plan, my lords, that we mean to pursue on the great charge which is now before your lordships.

My lords, I confess that in this business I come before your lordships with a considerable degree of animation, because I think it is a most auspicious circumstance in a prosecution like this, in which the honour of this kingdom and that of many nations is involved, that from the commencement of our preliminary process to the hour of this solemn trial, not the smallest difference of opinion has arisen between the two houses. My lords, there were persons who, looking rather upon what was to be found in the journals of parliament than what was to be expected from the public justice of parliament, had formed hopes consolatory to them and unfavourable to us. There were persons who entertained hopes that the corruptions of India should have escaped amongst the dissensions of parliament: but they are disappointed. They will be disappointed in all the rest of their expectations which they had formed upon everything except the merits of the cause. The Commons will not have the melancholy and unsocial glory of having acted a right part in an imperfect work. What the greatest inquest of the nation has begun, its highest tribunal will accomplish. Justice will be done to India. It is true your lordships will have your full share in this great and glorious work; but we shall always consider that any honour that is divided with your lordships will be more than doubled to ourselves.

My lords, I must confess that, amongst all these

encouraging prospects, the Commons do not approach your lordships' bar without some considerable degree of anxiety. I hope and trust that the magnitude of the interests which we have in hand will reconcile some degree of solicitude for the event with the undoubting confidence with which we repose ourselves upon your lordships' justice. For we are so made, my lords, that it is not only the greatness of the danger but the value of the stake that excites our concern in every undertaking; and I do assure your lordships—for I am authorized to say it—that no standard is sufficient to estimate the value which the Commons set upon the fate of the case which they now bring before you. For, my lords, it cannot be conceived—God forbid that it should be conceived—that the business of this day is the business of this man. The question is, not solely whether the prisoner at the bar be found innocent or be found guilty, but whether millions of mankind shall be miserable or happy. You do not decide the case only; you fix a rule. For your lordships will undoubtedly see, in the course of this cause, that there is not only a long, connected, systematic, course of misdemeanours, but an equally connected system of maxims and principles invented to justify them, upon which your lordships must judge. It is according to the judgement that you shall pronounce upon the past transactions of India, connected with those principles, that the whole rule, tenure, tendency and character, of our future government in India is to be finally decided. My lords, it will take its course and work its whole impression from the business of this hour. My lords, it is not only the interest of a great empire which is concerned,

which is now a most considerable part of the British Empire, but, my lords, the credit and honour of the British nation will themselves be decided by this decision. My lords, they will stand or fall thereby. We are to decide by the case of this gentlemen whether the crimes of individuals are to be turned into public guilt and national ignominy, or whether this nation will convert these offences, which have thrown a transient shade on its glory, into a judgement that will reflect a permanent lustre on the honour, justice and humanity, of this kingdom. . . .

My lords, in the next place I observe, with respect to the crime which we chose, we chose one which we contemplated in its nature, with all its circumstances, with all its extenuations, and with all its aggravations; and, on that review, we are bold to say that the crimes with which we charge the prisoner at the bar are substantial crimes; that they are no errors or mistakes, such as wise and good men might possibly fall into. They are crimes, my lords—truly, and properly, and emphatically, crimes. The Commons are too liberal not to allow for the difficulties of a great and arduous public situation. They know too well that domineering necessities will frequently occur in all great affairs. They know that the exigencies of a great occasion, in its precipitate career, do not give time to have recourse to fixed principles, but that they oblige men frequently to decide in a manner that calmer reason would certainly have rejected. We know that, as we are to be served by men, the persons who serve us must be tried as men, and that there is a very large allowance indeed due to human infirmity and human error.

This, my lords, we knew and had weighed before we came to your lordships' bar. But the crimes which we charge in these articles are not the lapses and defects and errors of common human nature and frailty, such as we know and feel, and can allow for. They are crimes which have their rise in the wicked dispositions of men ; they are crimes that have their rise in avarice, rapacity, pride, cruelty, ferocity, malignity of temper, haughtiness, insolence ; in short, my lords, in everything that manifests a heart blackened to the very blackest—a heart dyed deep in blackness—a heart corrupted, vitiated and gangrened, to the very core. If we do not plant the crimes that we charge [him with in] those vices which the breast of man is made to abhor and its laws to protect against, we desire no longer to be heard on this occasion. Let everything be pleaded that can be pleaded on the score of error and infirmity ; we give up the whole. We stand on crimes that were crimes of deliberation. We charge him with nothing that he did not commit upon deliberation, that he did not commit against remonstrance. We charge him with nothing that he did not commit against command. We charge him with nothing that he did not commit contrary to the advice, contrary to the admonition and reprimand, of those who were authorized by the laws to reprove and reprimand him. They were crimes, not against forms, but against those eternal laws of justice which you are assembled here to assert ; which forms are made to support and not to supersede in any instance whatever. They were, not in formal and technical language, but in real and absolute effect, high crimes and misdemeanours.

So far as to the crimes. Now as to the criminal. We have not chosen to bring before you a poor, puny, trembling delinquent, misled perhaps by the example of those who ought to have kept him in awe, and afterwards oppressed by their power, in order to make his punishment the means of screening the greater offences of those that were above him. We have not brought before your lordships one of those poor, obscure offenders, in an inferior situation, who, when his insignificance and weakness are weighed against the power of the prosecution, gives even to public justice something of the appearance of oppression. No, my lords; we have brought before your lordships the first man in rank, authority and station. We have brought before you the head, the chief, the captain-general in iniquity—one in whom all the frauds, all the peculations, all the violence, all the tyranny, in India are embodied, disciplined and arrayed. This is the person, my lords, that we bring before you. Then, if we have brought before you such a person, if you strike at him, you will not have need of a great many more examples; you strike at the whole corps if you strike at the head. . . .

I am now, my lords, to proceed to open the charge. I hope and trust that your lordships will be so good as to suppose that the business which falls to my share, which is rather explanation of the circumstances than enforcement of the crimes, is not a thing that occurs every day in the ordinary round of municipal affairs; that it has relation to many things, that it touches many points in many places, which are wholly removed from the ordinary beaten orbit of our English business. In other affairs every allusion immediately meets its point

of reference; nothing can be started that does not immediately waken your attention to something of your own laws which you meet with every day in the ordinary transactions of life: but here you are caught as it were into another world; here you are to have the way pioneered before you. Your lordships will see the absolute necessity there is of having an explanation of every part of it. As it is new, the business must be explained; as it is intricate as well as new, that explanation can be but comparatively short: and therefore, knowing you to be possessed, along with all other judicial virtues, of the first and foundation of them all, judicial patience, I hope and trust that your lordships will not grudge a few hours to the explanation of that which has cost the Commons fourteen years' assiduous application to acquire—that your lordships will not disdain a few hours to what has cost the people of India upwards of thirty years of their innate, inveterate, hereditary patience to endure.

My lords, the powers which Mr. Hastings is charged with having abused are the powers delegated to him by the East India Company. The East India Company itself acts under two sorts of powers, derived from two sources. The first source of its power is under a charter which the Crown was authorized by act of parliament to grant. The next is from several grants and charters indeed, as well as that great fundamental charter which it derived from the Emperor of the Moguls, the person with whose dominions they are chiefly conversant; particularly the great charter by which they acquired the high stewardship of the kingdoms of Bengal, Behar, and Orissa, in 1765.

Under those two charters they act. As to the first, it is from that charter that they derive the capacity by which they can be considered as a public body at all, or capable of any public function; it is from thence they acquire the capacity to take any other charter, to acquire any other offices, or to hold any other possessions. This being the root and origin of their power, it makes them responsible to the party from whom that power is derived. As they have emanated from the supreme power of this kingdom, they themselves are responsible—their body as a corporate body, themselves as individuals—and the whole body and train of their servants are responsible, to the high justice of this kingdom. In delegating great power to the India Company, this kingdom has not released its sovereignty. On the contrary, its responsibility is increased by the greatness and sacredness of the power given. For this power they are and must be responsible; and I hope this day your lordships will show that this nation never did give a power without imposing a proportionable degree of responsibility.

As to the other power, which they derived from the Mogul empire by various charters from that crown, and particularly by the charter of 1765, by which they obtained the office of lord high steward, as I said, or diwan, of the kingdoms of Bengal, Behar, and Orissa, by that charter they bound themselves, and bound exclusively all their servants, to perform all the duties belonging to that new office. And by the ties belonging to that new relation they were bound to observe the laws, rights, usages and customs, of the natives, and to pursue their benefit in all things; which was the nature,

institution, and purpose, of the office which they received. If the power of the sovereign from whom they derived these powers should be by any misfortune in human affairs annihilated or suspended, the duty of the people below, which they acquired under his charter, is not suspended, is not annihilated, but remains in all its force ; and, for the responsibility, they are thrown back upon that country from whence their original power, and along with it their responsibility, both emanated in one and the same act. For when the Company acquired that office in India, an English corporation became an integral part of the Mogul empire. When Great Britain assented to that grant virtually, and afterwards took advantage of it, Great Britain made a virtual act of union with that country, by which they bound themselves as securities for their subjects, to preserve the people in all rights, laws and liberties, which their natural original sovereign was bound to enforce, if he had been in a condition to enforce it. So that the two duties flowing from two different sources are now united in one, and come to have justice called for them at the bar of this House, before the supreme royal justice of this kingdom, from whence originally their powers were derived.

It may be a little necessary, when we are stating the powers they have derived from their charter, and which we state Mr. Hastings to have abused, to state, in as short and as comprehensive words as I can (for the matter is large indeed) what the constitution of the Company is, and particularly what its constitution is in reference to its Indian service ; where the great theatre of the abuse was situated, and where those abuses were committed.

Your lordships will recollect that the East India Company—and therefore I shall spare you a long history of that, hoping and trusting that your lordships will think it is not to inform you, but to revive circumstances in your memory, that I enter into this detail—the East India Company had its origin about the latter end of the reign of Elizabeth, a period when all sorts of companies, inventions, and monopolies, were in fashion. And at that time the Company was sent out with large, extensive powers for increasing the commerce and the honour of this country: for to increase its commerce without increasing its honour and reputation would have been thought at that time, and will be thought now, a bad bargain for the country. But their powers were under that charter confined merely to commercial affairs. By degrees, as the theatre of the operation was distant, as its intercourse was with many great, some barbarous, and all of them armed nations, where not only the sovereign but the subjects were also armed in all places, it was found necessary to enlarge their powers. The first power they obtained was a power of naval discipline in their ships—a power which has been since dropped. The next was a power of law martial. The next was a power of civil, and to a degree of criminal, jurisdiction within their own factory, within their own settlements, over their own people and their own servants. The next was—and there was a stretch indeed—the power of peace and war; those great, high prerogatives of sovereignty which never were known before to be parted with to any subjects. But those high sovereign powers were given to the East India Company. So that when it had

acquired them all, which it did about the end of the reign of Charles the Second, the East India Company did not seem to be merely a company formed for the extension of the British commerce, but in reality a delegation of the whole power and sovereignty of this kingdom sent into the East. In that light the Company began undoubtedly to be considered, and ought to be considered, as a subordinate sovereign power; that is, sovereign with regard to the objects which it touched, subordinate with regard to the power from whence this great trust was derived.

When the East India Company once appeared in that light, things happened to it totally different from what has happened in all other ordinary affairs, and from what has happened in all the remote mysteries of politicians, or been dreamed of in the world. For, in all other countries, a political body that acts as a commonwealth is first settled, and trade follows as a necessary consequence of the protection obtained by political power. But here the affair was reversed: the constitution of the Company began in commerce and ended in empire; and where powers of peace and war are given, it wants but time and circumstance to make this supersede every other, and the affairs of commerce fall into their proper rank and situation. And accordingly it did happen that, the possession and power of assertion of these great authorities coinciding with the improved state of Europe, with the improved state of arts and the improved state of laws, and (what is much more material) the improved state of military discipline; that coinciding with the general fall of Asia, with the relaxation and dissolution of its govern-

ment, with the fall of its warlike spirit, and the total disuse almost of all parts of military discipline; those coinciding, the India Company became what it is, a great empire carrying on subordinately under the public authority a great commerce; it became that thing which was supposed by the Roman law so unsuitable—the same power was a trader, the same power was a lord.

In this situation, the India Company, however, still preserved traces of its original mercantile character, and the whole exterior order of its service is still carried on upon a mercantile plan and mercantile principles: in fact, it is a state in the disguise of a merchant, a great public office in the disguise of a counting-house. Accordingly the whole order and series, as I observed, is commercial: while the principal, inward, real part of the Company is entirely political. Accordingly the Company's service—of which the order and discipline is necessary to be explained to your lordships, that you may see in what manner the abuses have affected it—is commercial.

In the first place, all the persons who go abroad in the Company's service enter as clerks in the counting-house, and are called by a name to correspond to it—writers. In that condition they are obliged to serve five years. The next step is that of a factor, in which they are obliged to serve three years. The next step they take is that of a junior merchant, in which they are obliged to serve three years more. Then they become a senior merchant, which is the highest stage of advance in the Company's service, as a rank by which they had pretensions, before the year 1774, to the Council, to the succession of the Presidency, and

to whatever other honours the Company has to bestow. Therefore the Company followed this idea in the particulars of their service; having originally established factories in certain places, which factories by degrees grew to the name of Presidencies and Councils, in proportion as the power and influence of the Company increased, and as the political began to dominate over the mercantile. And so it continued till the year 1773, when the legislature broke in, for proper reasons urging them to it, upon that order of the service, and appointed to the superior part persons who were not entitled to it—however some might have been, —by the course and order of service, such as Mr. Hastings was. But, whatever title they had from thence, their legal title was derived from an express act of parliament, nominating them to that Presidency. In all other respects, the whole course of the service denominated by act of parliament does remain upon that footing—that is, a commercial footing.

Your lordships see here a regular system, a regular order, a regular course of gradation, which requires eleven years before persons can arrive at the highest trusts and situations in the Company's service. You will therefore be utterly astonished when you know that, after so long a service and so long a probation was required, things very different have happened, and that in a much shorter time persons have been seen returning to this kingdom with great and affluent fortunes. It will be necessary for you to consider, and it will be a great part of your inquiry, when we come before you to substantiate evidence against Mr. Hastings, to know how that order came to be broken down

completely, so that scarce a trace of it for any good purpose remains. For, though I will not deny that any order in a state may be superseded by the Presidency, when any great parts and talents upon superior exigencies are called forth, yet I must say the order of that service was formed upon wise principles. It gave the persons who were put in that course of probation an opportunity, if circumstances enabled them, of acquiring experience; it gave those who watched them a constant inspection upon them in all their progress; it gave them the necessity of acquiring a character in proportion to their standing, that all they had gained by years should not be lost by misconduct. It was a great, substantial regulation fit to be observed; but scarcely a trace of it remains to be discovered. For Mr. Hastings first broke through that service by making offices which had no reference to gradation, but which were superior in profit to those which the highest gradation might have acquired. He established whole systems of offices, and especially the systems of offices established in 1781, which being new none of the rules of gradation applied to them, and he filled them in such a manner as suited best his own views and purposes; so that in effect the whole of that order, whatever merit was in it, was by him broken down and subverted. The consequence was that persons in the most immature stages of life have been put to conduct affairs which required the greatest maturity of judgement and the greatest possible temper and moderation; and effects consequent have followed upon it. So far with respect to that order of the Company's service.

My lords, I must remark, before I go farther, that there is something peculiar in the service of the East India Company, and different from that of any other nation that has ever transferred its power from one country to another. The East India Company in India is not the British nation. When the Tartars entered into China and into Hindustan—when all the Goths and Vandals entered into Europe—when the Normans came into England—they came as a nation. The Company in India does not exist as a nation. Nobody can go there that does not go in its service. Therefore the English nation in India is nothing but a seminary for the succession of officers. They are a nation of place-men. They are a republic, a commonwealth, without a people. They are a state made up wholly of magistrates. The consequence of which is, that there is no people to control, to watch, to balance against the power of office. The power of office, so far as the English nation is concerned, is the sole power in the country. There is no corrective upon it whatever. The consequence of which is, that, being a kingdom of magistrates, the *esprit de corps* is strong in it—the spirit of the body by which they consider themselves as having a common interest, and a common interest, separated both from the country that sent them out and from the country in which they are, and where there is no control by persons who understand their language, who understand their manners, or can apply their conduct to the laws of the country. Such control does not exist in India. Therefore confederacy is easy, and has been general among them; and therefore your lordships are not to

expect that that should happen in such a body which never happened in the world in any body or corporation, namely, that they should ever be a proper check and control upon themselves: it is not in the nature of things. There is a monopoly with an *esprit de corps* at home, called the India Company, and there is an *esprit de corps* abroad; and both those systems are united into one body, animated with the same spirit, that is, with the corporate spirit, which never was a spirit which corrected itself in any time or circumstance in the world, and which is such a thing as has not happened to the Moors, to the Portuguese, to the Romans —to go to any old or new examples. It has not happened in any one time or circumstance in the world, except in this. And out of that has issued a series of abuses, at the head of which Mr. Hastings has put himself, against the authority of the East India Company at home and every authority in this country.

My lords, the next circumstance is—and which is curious too—that the emoluments of office do not in any degree correspond with the trust. For, under the name of junior merchant, and senior merchant, and writer, and those other little names of a counting-house, you have great magistrates; you have the administrators of revenues truly royal; you have judges civil, and in a great degree criminal, who pass judgements upon the greatest properties of the country. You have all these under these names; and the emoluments that belong to them are so weak, so inadequate to the dignity of the character, that it is impossible—I may say of that service that it is absolutely impossible—for the subordinate parts of it to

exist, to hope to exist, as Englishmen who look at their home as their ultimate resource—to exist in a state of incorruption. In that service the rule that prevails in many other countries is reversed. In other countries, often the greatest situations are attended with but little emoluments ; because glory, fame, reputation, the love, the tears of joy, the honest applause of their country, pay those great and weighty labours which in great situations are sometimes required from the commonwealth ; but all other countries pay in money what cannot be paid in fame and reputation. But it is the reverse with the India Company. All the subordinate parts of the gradation are officers, who, notwithstanding the weight and importance of the offices and dignities entrusted to them, are miserably provided for ; and the heads, the chiefs, have great emoluments, securing them against every mode of temptation. And this is the thing Mr. Hastings has abused. He was at the head of the service. He has corrupted his hands and sullied his government with bribes. He has used oppression and tyranny in the place of legal government ; and, instead of endeavouring to find honest, honourable, and adequate rewards for the persons who served the public, he has left them to prey upon it without the smallest degree of control. He has neither supplied nor taken care to supply, with that unbounded licence which he used over the public revenues, an honest scale of emoluments, suited to the vastness of the power given to the Company's service. He has not employed the public revenue for that purpose ; but has left them at large to prey upon the country, and find them-

selves emoluments as they could. These are the defects of that service. There is no honest emolument, in much the greater part of it, correspondent to the nature and answerable to the expectations of the people who serve. There is an unbounded licence in almost all other respects; and, as one of the honestest and ablest servants of the Company said to me, it resembled the service of the Mahrattas—little pay, but unbounded licence to plunder. This is the pay of the Company's service; a service opened to all dishonest emolument, shut up to all things that are honest and fair. I do not say that the salaries would not sound well here; but when you consider the nature of the trusts, the dignity of the situation whatever the name of it is, the powers that are granted, and the hopes that every man has of establishing himself at home, it is a source of infinite grievance, of infinite abuse; and we charge Mr. Hastings, instead of stopping up, instead of endeavouring to regulate, instead of endeavouring to correct, so grievous and enormous an error, with having increased every part of it.

My lords, the next circumstance which distinguishes the East India Company is the youth of the persons who are employed in the system of that service. They have almost universally been sent out at that period of life, to begin their progress and career in active life and in the use of power, which in all other places has been employed in the course of a rigid education. They have been sent there in fact—to put it in a few words—with a perilous independence, with too inordinate expectations, and with boundless power. They are schoolboys without tutors;

they are minors without guardians. The world is let loose upon them with all its temptations; and they are let loose upon the world, with all the powers that despotism can give. This is the situation of the Company's servants.

There is one thing that is remarkable. They are to exercise what your lordships are now exercising—high judicial powers—without the smallest study of any law, either general or municipal. It is made a rule in the service, a rule confirmed even by the attempts that were made to regulate it—I mean confirmed by Sir Elijah Impey, when he undertook to be legislator for India—that the judicial character, which is the last in study and the last in professional experience, that to which all professional men ultimately look up, is the first experimental situation of a Company's servant; and it is expressly said that the office and situation of a judge are to be filled by the junior servants of the Company. And, as the emolument is not equal to that of other situations, the judicial service is to be taken as *in transitu*—as a passage to other things; and, as soon as a man has supplied the defects of his education by the advantage of experience, he is immediately translated to another situation, and another young man is sent there to learn, at the expense of the properties of India, to fill a situation which he is not to fill.

So with regard to the other situations. They are the situations of great statesmen, which undoubtedly, according to the practice of the world, require rather a large converse with men, to fill properly, and much intercourse in life, than the study of books—though that has its eminent

service. We know too that, in the habits of civilized life, in cultivated society, there is imbibed by men a good deal of the solid practice of government, of the true maxims of state, and everything that enables a man to serve his country. But these men are sent over to exercise functions at which a statesman here would tremble, without any study, without any of that sort of experience which forms men gradually and insensibly to great affairs. These men are sent over to India without maturity, without experience, without knowledge or habits in cultivated life, to perform such functions as I will venture to say the greatest statesmen are hardly equal to.

Mr. Hastings has himself, in his defence before the House of Commons, and in the defences he has made before your lordships, lamented his own situation in this particular. It was much to be lamented indeed. How far it will form a justification for his conduct, when we come to examine that conduct, will be seen; how far it will furnish either extenuation or palliation will likewise be seen. But so is the fact, and so we must lament it, that the servants of the Company are sent out young, are sent out with incompetent emoluments, are sent out to a body that forms them into an *esprit de corps*; sent out in that situation without any control upon them, without that which is the best thing in education, discipline, restraint, order and subordination, which are education, and all the rest of it are but subordinate to this great point.

My lords, by means of this bad system of things it has so happened, and does happen, that the very laws we have made, the covenants the

Company has got its servants to enter into, and the orders that have been given, have proved as things have turned out most noxious and mischievous to the country, instead of beneficial. For the servants of the Company are obliged, when they enter into the service, to enter into it not only with the general duty which attaches upon all servants, but they enter into a specific covenant with their masters, to perform all the duties described in that covenant, under heavy penalties. They are bound by them; and at every step of their progress, from writer to factor, from factor to junior merchant, and from junior merchant to senior merchant, they are bound to renew these covenants by something—I speak without offence—which may be said to resemble confirmation in the church. They are obliged to renew their obligation. This covenant would have been wise and proper if it had been enforced. The orders of the Company have forbidden them to take any unlawful emoluments. The act of parliament has fulminated against them. What is the consequence? The consequence is that, there being clear, positive laws, clear, positive covenants, and positive engagements having no exception of circumstances in them or difference *quoad maius et minus*, but every one who offends against the law being liable to the law, he who has taken but one penny of unlawful emolument—and all have taken many pennies of unlawful emolument—dare not complain of the most abandoned extortion and cruel oppression; and he who has taken a penny to do a good act is obliged to be silent when he sees whole nations desolated about him. The great criminal has

the laws in his hand ; he is always able to prove the small offence and crush the person entirely who has committed it. In consequence of which, Mr. Hastings has not only obtained a vast power by this grand defect in the Company's service, but by distributing liberally the emoluments of the Company, and by making it impossible for any man to rise but through his favour, he has such a hold of corruption that he has linked it, got it bound above, below, and on all sides about him, by one common participation and connivance. And accordingly he has had no complaint from the service against him. He states it as one of his merits that there has been no such complaint. No such complaint can exist. The *esprit de corps* forbids it, in which an informer is the most odious and detestable of all characters, and is hunted down, and has always been hunted down, as a common enemy of the common profit. He cannot do it ; because as nobody is free from small offences, the great offender can always crush the small one. And accordingly, what is singular, if you examine the correspondence of Mr. Hastings, you would imagine, from many expressions very deliberately used by him, that the Company's service was made out of the very filth and dregs of mankind, the most degenerate public body that ever existed in the world ; but, if you can examine his conduct towards them, you would imagine he had lived in the speculative schemes of visionary perfection. He was fourteen years at the head of that service, and there is not one single instance in which he endeavoured to detect corruption, in which he ever attempted to punish it ; but the whole service with that whole

mass of enormity slept, as it were, at once under his terror and his protection—his protection if they did not dare to move against him, his terror from his power to pluck out individuals and make a public example of them whenever he pleased.

And therefore the first thing to be observed is, that it is a service of confederacy, a service of connivance, a service of various systems of guilt, of which Mr. Hastings was the head, protector, and conniver. Not only as protector and conniver, but we shall prove to your lordships that, when the Company were driven by shame—not by inclination, but by shame—to order several prosecutions against the delinquents, Mr. Hastings, not satisfied with the general connivance, directly contrary to the duty of his office, and directly contrary to the express and positive law of the Court of Directors, which law parliament had bound upon him as his duty—not satisfied with that connivance, before he went away passed a general pardon, which he was not authorized to give, and at once ordered the whole body of the prosecutions of the Company to be discharged. Then, having had fourteen years' connivance, and then a general release of all charges and actions of the Company being given by usurpation, fraud, and madness in him, he now puts himself at the head, and expects the support of that body which he fully discharged from all prosecutions. You will find in the course of this business that, whenever, by means that have been fortunately used but unfortunately stopped, these charges have been brought against him of any bribery, corruption or malversation, his point has been never to answer one word to that bribery, corrup-

tion, malversation, but to inquire of the whole service whether there was any one man in it that would give him an ill word. He is just in that situation in which he may well call witnesses to his character; but he will find himself utterly incapable of justifying his conduct. So far with regard to that part of the service.

My lords, there is another part of the service which I really omitted, but whether I should put it first or last I must confess I am at some loss to decide; because, though it appears to be the lowest part of the service, it is by far the most considerable and the most efficient; without a full consideration and explanation of which, no part hardly of the conduct of Mr. Hastings, and of many others that may be in his situation, can be well understood. I have given you an account of writers, factors, merchants, who exercise the offices of judges, chancellors, ministers of state, and chancellors of the exchequer, and managers of great revenues. I have given you some description of them. But there is another description of men, whether in the Company's service or not, that is of more importance than them all; that is, a description of character you have often read of, but which has not been sufficiently explained—I mean the character of a banya. When the Company's service was nothing but mercantile, and they were utterly unacquainted with the country, they used the intervention of certain factors among the natives, who were called banyas. We called them so. They were of the tribe or caste of the vaisyas or merchants, the Indians being distributed into tribes; and the English employed them as their factors in their dealing

in the country; and the name still continues when the functions of the banyas have become totally different. A banya has other names too. He is called diwan or steward: and indeed that is a term with more propriety applied to him in several of the functions which he occupies. He is by his office the steward of the household of every European gentleman, and has the care, management, and ordering, of his servants. He is a domestic servant. He is generally chosen out of that class of natives who, by being habituated to misery and subjection, can submit to any orders, and are fit for any of the basest services. Having been themselves subject to oppression, they are fitted perfectly—for that is the true education—to oppress others. They serve an apprenticeship of servitude to qualify them for the trade of tyranny. They are persons without whom a European can do nothing. They know, they themselves being trained in that way, all the ways, all the little frauds, all the defensive armour, all the artifices and contrivances, by which abject slavery secures itself against the violence of power. They know all the lurking-holes, all the winding recesses, of the unfortunate; and they hunt out distress and misery even to their last retreats. They know the way they have suffered themselves, and far from being taught by these sufferings to abstain, they have only learned the way of afflicting others. Without them, Europeans, with all their pompous names, with all their consideration, are nothing. The moment a Company's servant comes there—and they have the best intelligence of what is done at home—that class of people immediately make application

to the gentleman who comes to India. They take possession of him, as if he were their inheritance. They have knowledge of the country; they have money; and they have the arts of making money. The gentleman who comes from home has none of them; he has nothing but simplicity; he has nothing but a desire of wealth, great indigence, and a disposition to relieve himself. These banyas have all; they have money, and a knowledge of the country; and they know the means of acquiring wealth. Accordingly they take possession of him; and it is much to be lamented that they do continue a tyranny not only over the people but over the master, who does nothing but give them the ticket of his name. So that the man is connected and supported by a European who is well supported at home, and from that moment forward it is not the Englishman, but it is the black banya, that is the master. He keeps the Englishman alive.

We know how young men are sent out of this country. We know how happy we are soon to know that they are no longer a burden to their friends and parents, but are in a situation of thriving. The banya knows it too. He supplies him with money. But the chief way in which he is paid is the use of his master's name and power; and thus he goes into the country with a commission in his hand which nothing can resist. This banya thus empowered has not only the people under his subjection, but his master also. The way he has him under his subjection is this—he has that dreadful power over him which every creditor has over his debtor. The master is no longer a master; he is the tool in the hands of

this man. Actions the most abhorrent to his nature he must see done before his face—and thousands and thousands worse are done in his absence—and he dare not complain of them. The banya extorts, robs, murders, and gives him what proportion of [the spoil] he pleases. If he should murmur at him, the very power that was sent over to protect the people of India from these very abuses—the best things being perverted when put into situations not fit for them—the very laws of England, which make the recovery of debts more easy, give ten thousand times more power to the banya over his master; and the court [of justice] becomes a collateral security for that abominable tyranny, executed over Europeans as well as natives. So that, while we are here boasting of British power, we are, in more than half the service, nothing but the inferior tools and miserable instruments of the tyranny which the lower part of the natives exercise, to the disgrace of the British power and to the ruin of all that is respectable among their own countrymen. They have subverted the first houses; totally ruined and undone the country; cheated and defrauded the revenue; and kept people in India under a miserable state of beggary; until something or other has relieved them from this servitude. Which is the true reason that the Company's servants in India, in order to free themselves from this horrid and atrocious servitude, are obliged to become the tools of men in power to get some office that may enable them to make money to pay their debts, or to be the tools of Mr. Hastings. It is true that these people were originally the lowest castes in the country; but,

after seeing the profit which these men make, and that there is neither power, profession, nor occupation to be had that a reputable person could have, men born to better things, men of higher castes, have thrown themselves into that disgraceful servitude, have become menial servants to Englishmen, that they might rise by their degradation. But they have prostituted their integrity; they have equally lost their character; and there is no difference between the best and the worst. . . .

Now your lordships see the whole of the revolutions. I have stated them, I trust, with perspicuity; stated the grounds and principles upon which they were made; stated the abuses that grew upon them, and that every revolution produced its abuse. You saw the native government vanish away by degrees, until it is reduced to a situation fit for nothing but to become a private perquisite, as it has been, to Mr. Hastings, to be granted to whom he pleased. The English government succeeded. Mr. Hastings was appointed to it by an act of parliament, having been appointed to the Presidency before, to reform abuses. And in those two periods of his Presidency and his appointment by act of parliament were those crimes committed of which he now stands accused. All this history is merely by way of illustration. His crimination begins with his nomination to the Presidency, and his subsequent nomination by parliament.

The troubled period between the year 1756 and the settlement made in the year 1774 being passed, Mr. Hastings having the government in his hands,

we are to consider how he comported himself in it. My lords, the first thing in considering the character of any Governor is to have some test by which it may be tried. And we conceive here that when a British Governor is sent abroad, he is sent to pursue the good of the people as much as possible in the spirit of the laws of this country, which intend in all respects their conservation, their happiness, and their prosperity. These are the principles upon which Mr. Hastings was bound to govern, and upon which he is to account for his conduct here.

The rule upon which you are to try him is this—what should a British Governor in such a situation do, or forbear to do? If he has done and if he has forborne in the manner in which a British Governor ought to do and to forbear, he has done his duty, and he is honourably acquitted. He resorts to other principles and to other maxims; but this country will force him to be tried by its laws. The law of this country recognizes that well-known crime called misconduct in office. It is a head of the law of England; and, so far as inferior courts are competent to try it, it may be tried there. Here your lordships are competent to everything; and as you are competent in the power you are competent in the knowledge of the offence. And here I am bound to state to your lordships, by the directions of those whose directions I am bound to follow, the principles upon which Mr. Hastings declares he has conducted his government; which principles he declares, first in several letters written to the East India Company, next in a paper of defence delivered to the House of Commons explicitly,

and more explicitly in his defence before your lordships.

I am directed first to clear the way of all those grounds and principles upon which he frames his defence; for, if those grounds are good and valid, they carry off a great deal at least, if not entirely, the foundation of our charge. My lords, we contend that Mr. Hastings, as a British Governor, ought to govern upon British principles, not by British forms. God forbid! for if ever there was a case in which the letter kills and the spirit gives life, it would be an attempt to introduce British forms and the substance of despotic principles together into any country. No! We call for that spirit of equity, that spirit of justice, that spirit of safety, that spirit of protection, that spirit of lenity, which ought to characterize every British subject in power; and upon these, and these principles only, he will be tried.

But he has told your lordships in his defence, that actions in Asia do not bear the same moral qualities as the same actions would bear in Europe. My lords, we positively deny that principle. I am authorized and called upon to deny it. And having stated at large what he means by saying that the same actions have not the same qualities in Asia and in Europe, we are to let your lordships know that these gentlemen have formed a plan of geographical morality, by which the duties of men in public and in private situations are not to be governed by their relations to the great governor of the universe, or by their relations to men, but by climates, degrees of longitude and latitude, parallels not of life but of latitudes; as if, when you have crossed the equinoctial line, all the virtues

die, as they say some animals die when they cross the line ; as if there were a kind of baptism, like that practised by seamen, by which they unbaptize themselves of all that they learned in Europe, and commence a new order and system of things.

This geographical morality we do protest against. Mr. Hastings shall not screen himself under it. And I hope and trust not a great many words will be necessary to satisfy your lordships—but we think it necessary, in justification of ourselves, to declare—that the laws of morality are the same everywhere, and that there is no action which would pass for an action of extortion, of peculation, of bribery, and of oppression, in England that is not an act of extortion, of peculation, of bribery and oppression, in Europe, Asia, Africa, and all the world over. This I contend for, not in the forms of it, but I contend for it in the substance.

Mr. Hastings comes before your lordships not as a British Governor answering to a British tribunal, but as a subahdar, as a Pacha of three tails. He says : 'I had an arbitrary power to exercise ; I exercised it. Slaves I found the people ; slaves they are. They are so by their constitution ; and if they are, I did not make it for them. I was unfortunately bound to exercise this arbitrary power, and accordingly I did exercise it. It was disagreeable to me, but I did exercise it, and no other power can be exercised in that country.' This, if it be true, is a plea in bar. But I trust and hope your lordships will not judge by laws and institutions which you do not know, against those laws and institutions which you do know, and under whose power and authority Mr. Hastings went out to India. Can your lordships

patiently hear what *we* have heard with indignation enough, and what, if there were nothing else, would call these principles as well as the actions, which are justified upon such principles, to your lordships' bar; that it may be known whether the Peers of England do not sympathize with the Commons in their detestation of such doctrine? Think of an English Governor tried before you as a British subject, and yet declaring that he governed upon the principles of arbitrary power! This plea is, that he did govern there upon arbitrary and despotic, and, as he supposes, Oriental principles. And as this plea is boldly avowed and maintained, and as, no doubt, all his conduct was perfectly correspondent to these principles, these principles and that conduct must be tried together.

If your lordships will permit me, I will state one of the many places in which he has avowed these principles as the basis and foundation of all his conduct:

> 'The sovereignty which they assumed, it fell to my lot, very unexpectedly, to exert; and whether or not such power or powers of that nature were delegated to me by any provisions of any Act of Parliament, I confess myself too little of a lawyer to pronounce. I only know that the acceptance of the sovereignty of Benares, &c., is not acknowledged or admitted by any Act of Parliament; and yet, by the particular interference of the majority of the council, the Company is clearly and indisputably seised of that sovereignty.'

So that this gentleman, because he is not a lawyer, nor clothed with those robes which distinguish and well distinguish the learning of this country, is not to know anything of his duty; and whether he was bound by any, or what act of parliament, is a thing he is not lawyer enough to know. Now, if

your lordships will suffer the laws to be broken by those that are not of the long robe, I am afraid those of the long robe will have none to punish but those of their own profession. Mr. Hastings, therefore, goes to a law which he knows better, that is, the law of arbitrary power and force, if it deserves to be called by any such name. 'If, therefore', says he,—

'the sovereignty of Benares, as ceded to us by the Vizier, have any rights whatever annexed to it, and be not a mere empty word without meaning, those rights must be such as are held, countenanced, and established, by the law, custom, and usage, of the Mogul empire, and not by the provisions of any British Act of Parliament hitherto enacted. Those rights, and none other, I have been the involuntary instrument of enforcing. And if any future Act of Parliament shall positively, or by implication, tend to annihilate those very rights or their exertion, as I have exerted them, I much fear that the boasted sovereignty of Benares, which was held up as an acquisition almost obtruded upon the Company against my consent and opinion—for I acknowledge that even then I foresaw many difficulties and inconveniences in its future exercise—I fear, I say, that this sovereignty will be found a burden instead of a benefit, a heavy clog rather than a precious gem to its present possessors; I mean, unless the whole of our territory in that quarter shall be rounded and made a uniform compact body by one grand and systematic arrangement, such an arrangement, as shall do away all the mischiefs, doubts, and inconveniences, both to the governors and the governed, arising from the variety of tenures, rights, and claims, in all cases, of landed property and feudal jurisdiction in India, from the informality, invalidity, and instability, of all engagements in so divided and unsettled a state of society, and from the unavoidable anarchy and confusion of different laws, religions, and prejudices, moral, civil, and political, all jumbled together in one unnatural and discordant mass.

Every part of Hindustan has been constantly exposed to these and similar disadvantages ever since the Mohammedan conquests. The Hindus, who never incorporated

with their conquerors, were kept in order only by the strong hand of power. The constant necessity of similar exertions would increase at once their energy and extent; so that rebellion itself is the parent and promoter of despotism. Sovereignty in India implies nothing else; for I know not how we can form an estimate of its powers but from its visible effects, and those are everywhere the same from Kabool to Assam. The whole history of Asia is nothing more than precedents to prove the invariable exercise of arbitrary power. To all this I strongly alluded in the minutes I delivered in Council, when the treaty with the new Vizier was on foot in 1775; and I wished to make Cheit Sing independent, because in India dependence included a thousand evils, many of which I enumerated at that time, and they are entered in the ninth clause of the first section of this charge. I knew the powers with which an Indian sovereignty is armed, and the dangers to which tributaries are exposed. I knew that, from the history of Asia, and from the very nature of mankind, the subjects of a despotic empire are always vigilant for the moment to rebel, and the sovereign is ever jealous of rebellious intentions. A zemindar is an Indian subject, and, as such, exposed to the common lot of his fellows. "The mean and depraved state of a mere zemindar" is therefore this very dependence above mentioned on a despotic government, this very proneness to shake off his allegiance, and this very exposure to continual danger from his sovereign's jealousy, which are consequent on the political state of Hindustanic governments. Bulwant Sing, if he had been, and Cheit Sing, as long as he was, a zemindar, stood exactly in this "mean and depraved state" by the constitution of his country. I did not make it for him, but would have secured him from it. Those who made him a zemindar entailed upon him the consequences of so mean and depraved a tenure. Aliverdi Khan and Cossim Ali fined all their zemindars, on the necessities of war and on every pretence, either of court necessity or court extravagance.'

My lords, you have now heard the principles upon which Mr. Hastings governs the part of Asia subjected to the British empire. You have heard his opinion of 'the mean and depraved state' of

those who are subject to it. You have heard his lecture upon arbitrary power, which he states to be the constitution of Asia. You hear the application that he makes of it; and you hear the practices which he employs to justify it, and who the persons were the authority of whose examples he professes to follow. Do your lordships really think that the nation would bear, that any human creature would bear, to hear an English governor defend himself upon such principles? For, if he can defend himself upon such principles, no man has any security for anything but by being totally independent of the British Government. Here he has declared his opinion that he is a despotic prince, that he is to use arbitrary power; and of course all his acts are covered with that shield. 'I know,' says he, 'the constitution of Asia only from its practices.' Will your lordships ever bear the corrupt practices of mankind made the principles of government? It will be your pride and glory to teach men that they are to confirm their practices to principles, and not to draw their principles from the corrupt practices of any man whatever. Was there ever heard, or could it be conceived, that a man would dare to mention the practices of all the villains, all the mad usurpers, all the thieves and robbers, in Asia, that he should gather them all up, and form the whole mass of abuses into one code and call it the duty of a British governor? I believe that till this time so audacious a thing was never attempted by mankind.

He to have arbitrary power! My lords, the East India Company have not arbitrary power to give him; the King has no arbitrary power to give him; your lordships have not; nor the Commons; nor

the whole legislature. We have no arbitrary power to give, because arbitrary power is the thing which neither any man can hold nor any man can give away. No man can govern himself by his own will, much less can he be governed by the will of others. We are all born in subjection, all born equally, high and low, governors and governed, in subjection to one great, immutable, pre-existent law, prior to all our devices and prior to all our contrivances, paramount to our very being itself, by which we are knit and connected in the eternal frame of the universe, out of which we cannot stir.

This great law does not arise from our conventions or compacts; on the contrary, it gives to our conventions and compacts all the force and sanction they can have; it does not arise from our vain institutions. Every good gift is of God, all power is of God; and He who has given the power, and from whom it alone originates, will never suffer the exercise of it to be practised upon any less solid foundation than the power itself. Therefore, will it be imagined, if this be true, that He will suffer this great gift of government, the greatest, the best, that was ever given by God to mankind, to be the plaything and the sport of the feeble will of a man, who, by a blasphemous, absurd, and petulant usurpation, would place his own feeble, contemptible, ridiculous will in the place of the Divine wisdom and justice? No, my lords. It is not to be had by conquest; for by conquest, which is a more immediate designation of the hand of God, the conqueror only succeeds to all the painful duties and subordination to the power of God which belonged to the sovereign that held the country before. He cannot have it by succession; for no

man can succeed to fraud, rapine, and violence, neither by compact, covenant, or submission, nor by any other means, can arbitrary power be conveyed to any man. Those who give and those who receive arbitrary power are alike criminal, and there is no man but is bound to resist it to the best of his power, wherever it shall show its face to the world. Nothing but absolute impotence can justify men in not resisting it to the best of their power.

Law and arbitrary power are at eternal enmity. Name me a magistrate, and I will name property; name me power, and I will name protection. It is a contradiction in terms, it is blasphemy in religion, it is wickedness in politics, to say that any man can have arbitrary power. Judges are guided and governed by the eternal laws of justice, to which we are all subject. We may bite our chains if we will, but we shall be made to know ourselves, and be taught that man is born to be governed by law; and he that will substitute will in the place of it is an enemy to God. . . .

Therefore I charge Mr. Hastings—and we shall charge him afterwards, when we come to bring the evidence more directly and fully home—with having destroyed, for private purposes, the whole system of government by the six provincial councils which he had no right to destroy.

I charge him with having delegated away from himself that power which the act of parliament had directed him to preserve inalienably in himself.

I charge him with having formed a committee to be mere instruments and tools, at the enormous expense of £62,000 per annum.

I charge him with having appointed a person their diwan, to whom these Englishmen were to be subservient tools, whose name was—to his own knowledge, by the general voice of the Company, by the recorded official transactions, by everything that can make a man known—abhorred and detested, stamped with infamy; and I charge him with the whole power which he had thus separated from the Council General and from the provincial councils.

I charge him with taking bribes of Gunga Govind Sing.

I charge him with not having done that bribe-service which fidelity, even in iniquity, requires at the hands of the worst of men.

I charge him with having robbed those people of whom he took the bribes.

I charge him with having fraudulently alienated the fortunes of widows.

I charge him with having, without right, title, or purchase, taken the lands of orphans and given them to wicked persons under him.

I charge him with having removed the natural guardians of a minor Raja, and given his zemindary to that wicked person, Deby Sing.

I charge him—his wickedness being known to himself and all the world—with having committed to Deby Sing the management of three great provinces; and with having thereby wasted the country, destroyed the landed interest, cruelly harassed the peasants, burnt their houses, seized their crops, tortured and degraded their persons, and destroyed the honour of the whole female race of that country.

In the name of the Commons of England, I charge

all this villany upon Warren Hastings in this last moment of my application to you.

My lords, what is it that we want here to a great act of national justice? Do we want a cause, my lords? You have the cause of oppressed princes, of undone women of the first rank, of desolated provinces and of wasted kingdoms.

Do you want a criminal, my lords? When was there so much iniquity ever laid to the charge of any one? No, my lords, you must not look to punish any delinquent in India more. Warren Hastings has not left substance enough in India to nourish such another delinquent.

My lords, is it a prosecutor that you want? You have before you the Commons of Great Britain as prosecutors; and I believe, my lords, that the sun, in his beneficient progress round the world, does not behold a more glorious sight than that of men, separated from a remote people by the material bounds and barriers of nature, united by the bond of a social and moral community;—all the Commons of England resenting as their own the indignities and cruelties that are offered to all the people of India.

Do we want a tribunal? My lords, no example of antiquity, nothing in the modern world, nothing in the range of human imagination, can supply us with a tribunal like this. My lords, here we see virtually, in the mind's eye, that sacred majesty of the Crown, under whose authority you sit and whose power you exercise. We see in that invisible authority, what we all feel in reality and life, the beneficent powers and protecting justice of his Majesty. We have here the heir apparent to the Crown, such as the fond wishes of the people of

England wish an heir apparent of the Crown to be. We have here all the branches of the royal family, in a situation between majesty and subjection, between the Crown and the subject, offering a pledge in that situation for the support of the rights of the Crown and the liberties of the people, both which extremities they touch. My lords, we have a great hereditary peerage here; those who have their own honour, the honour of their ancestors and of their posterity, to guard; and who will justify, as they have always justified, that provision in the constitution by which justice is made an hereditary office. My lords, we have here a new nobility, who have risen and exalted themselves by various merits, by great military services, which have extended the fame of this country from the rising to the setting sun. We have those who, by various civil merits and various civil talents, have been exalted to a situation which they well deserve, and in which they will justify the favour of their sovereign and the good opinion of their fellow-subjects, and make them rejoice to see those virtuous characters, that were the other day upon a level with them, now exalted above them in rank, but feeling with them in sympathy what they felt in common before. We have persons exalted from the practice of the law, from the place in which they administered high though subordinate justice, to a seat here, to enlighten with their knowledge and to strengthen with their votes those principles which have distinguished the courts in which they have presided.

My lords, you have before you the lights of our religion—you have the bishops of England. My lords, you have that true image of the primitive

church in its ancient form, in its ancient ordinances, purified from the superstitions and the vices which a long succession of ages will bring upon the best institutions. You have the representatives of that religion which says that 'God is love', that the very vital spirit of its institution is charity; a religion which so much hates oppression, that, when the God whom we adore appeared in human form, he did not appear in a form of greatness and majesty, but in sympathy with the lowest of the people; and thereby made it a firm and ruling principle that their welfare was the object of all government, since the person who was the master of nature chose to appear himself in a subordinate situation. These are the considerations which influence them, which animate them and will animate them against all oppression; knowing that he who is called first among them, and first among us all, both of the flock that is fed and of those who feed it, made himself 'the servant of all'.

My lords, these are the securities that we have in all the constituent parts of the body of this house. We know them, we reckon, we rest, upon them; and commit safely the interests of India and of humanity into their hands. Therefore it is with confidence that, ordered by the Commons,

I impeach Warren Hastings, Esquire, of high crimes and misdemeanours.

I impeach him in the name of the Commons of Great Britain in Parliament assembled, whose parliamentary trust he has betrayed.

I impeach him in the name of all the Commons of Great Britain, whose national character he has dishonoured.

I impeach him in the name of the people of India, whose laws, rights, and liberties, he has subverted, whose properties he has destroyed, whose country he has laid waste and desolate.

I impeach him in the name and by virtue of those eternal laws of justice which he has violated.

I impeach him in the name of human nature itself, which he has cruelly outraged, injured, and oppressed, in both sexes, in every age, rank, situation, and condition of life.

15. *Earl Cornwallis to the Court of Directors, 2 August 1789*

Honourable Sirs,

You will observe by Mr. Ives's correspondence that great pains have been taken to obtain the benefits that were expected to result to both parties from the commercial treaty with the Vizier by pressing the minister to carry it into full effect in his Excellency's dominions.

I have sufficient reason to believe that Hyder Beg Khan is anxious to preserve my good opinion of his public conduct by doing everything in his power to execute strictly all stipulations on the part of the Vizier with the Company, and to establish internal order and good government in his master's territories. But unluckily the Vizier's early habits of dissipation and inattention to business have not yet entirely left him, and he is so apt to suffer his conduct to be influenced by very undeserving people, with whom he sometimes associates, that the wishes and intentions of the minister cannot always be completely executed. Inconvenient, however, as those defects in his

Excellency's character may be, it is not easy to find effectual remedies for them.

Material omissions are generally corrected immediately upon my representation. But I think it infinitely more for the real advantage as well as more creditable to the Company, to bear deficiencies of no great importance on the part of his Excellency with a little patience, rather than attempt to renew the species of interference in the details of his government through the medium of our Resident, which has been so judiciously reprobated by your honourable Court, and from which I have ever most carefully abstained.

The causes to which I have alluded, occasioned some delay in reaping all the advantages that might result to both countries from the late commercial arrangements ; but the mutual utility of the treaty is apparent, and our large and increasing collections of duties at the Custom-house at Maunjee are sufficient proofs of the particular benefits which have already arisen from it to the commerce of the provinces. . . .

Mr. Duncan's conduct has contributed to promote the extension of commerce and agriculture and great progress has been made in establishing a system for the regular administration of justice, which alone can secure the happiness of the body of the people in that valuable province.

The great additional resort of Deccan merchants to the mart of Mirzapore, and the applications that have been lately made for tracts of ground to increase the buildings at that place, have been very pleasing indications of the commercial improvements ; and it has likewise been with peculiar satisfaction that I have lately received a con-

vincing proof of the good effects of his judicious management upon the minds of the neighbouring powers by an application from Nana Furnavese, the First Minister of the Mahratta state, for leave to build a house for himself in the city of Benares, for the avowed purpose of resorting to it occasionally to perform religious duties; and this application has given me the more pleasure, as the resolution was deliberately adopted upon the report of Mhadajee Pundit, his own household Dewan, whom he sent privately last year with a caravan of pilgrims, to make his observations, and who it seems had given a most favourable account of the mildness and regularity of the British Government.

The future substantial interests of the Company, and the prosperity and happiness of millions of people, are so deeply concerned in the plan of settlement of land-revenues of those provinces, that before I should proceed to execute the orders contained in your revenue letter, dated the 12th April 1786, I thought it my indispensable duty to acquire every information in my power, and give the whole subject the most mature consideration.

Although Mr. Shore's precarious health has frequently interrupted his exertions, I consider it is singularly fortunate that the public could profit from his great experience and uncommon abilities upon this important occasion.

His exertions were no less able than laborious in obtaining the materials that were necessary for arranging the principles on which the settlement of the province of Behar is proposed to be made. But as the revenue letter from the Board gives you a full account of the plan of that settlement,

I think it unnecessary to trouble you with a particular statement of it.

There will probably be very little alteration in the principles of the plan that will be adopted for the settlement of Bengal, and after having given the subject much serious consideration I think myself bound, in justice to my own feelings, and to my opinion of the true interests of the Company, and the British nation, to declare my strongest conviction that the outlines of the plan now proposed, are well calculated to secure and even increase your revenues, and at the same time to raise the national reputation, by its giving a prospect of comfort and happiness to the natives of those valuable dominions, far beyond that which they have hitherto enjoyed under any other masters.

Many subsidiary arrangements will be requisite to render the principles of the plan applicable to the various rights and customs that exist in different parts of those provinces, and they must be made by government, either as the propriety of them may appear to observation, or as cases may be brought forward by representation.

The security of property, however, and the certainty which each individual will now feel of being allowed to enjoy the fruits of his own labours, must operate uniformly as incitements to exertion and industry ; and I have purposely in this settlement proposed to withdraw the Gunges from the zemindars, and to place them in the hands of government in order that it may at all times have an unrestrained power to raise or lower the internal taxes, or duties on particular articles of produce or manufacture, as may be found most suitable

to the general interests of commerce; but above all, as the land-revenues, when the Jumma is once fixed, cannot increase, that the Company may, through the medium of duties upon an increased consumption of the necessaries and luxuries of life, participate in the wealth and advantages, which, I trust, will be consequences of a permanent revenue settlement to the inhabitants of this country.

The humane and liberal sentiments which dictated the instructions upon which the present plan is founded, will prompt you to receive the highest gratification, if my hopes of its producing wealth and happiness to the intelligent and industrious part of the individuals of the country shall be realized; and, independent of all other considerations, I can assure you that it will be of the utmost importance for promoting the solid interests of the Company, that the principal land-holders and traders in the interior parts of the country should be restored to such circumstances as to enable them to support their families with decency, and to give a liberal education to their children according to the customs of their respective castes and religions—that a regular gradation of ranks may be supported, which is nowhere more necessary than in this country for preserving order in civil society.

I am sorry to be obliged to say that agriculture and internal commerce has for many years been gradually declining, and that, at present, excepting the class of Shroffs and Banians, who reside almost entirely in great towns, the inhabitants of those provinces were advancing hastily to a general state of poverty and wretchedness.

In this description, I must include almost every

zemindar in the Company's territories, which, though it may have been partly occasioned by their own indolence and extravagance, I am afraid must also be in a great measure attributed to the defects of our former system of government.

The settlement, in conformity to your orders, will be made for ten years certain, with a notification of its being your intention to declare it a perpetual and unalterable assessment of these provinces, if the amount and the principle upon which it has been made shall meet with your approbation.

The circulation of specie in this country has been so long embarrassed with so great a variety of rupees of different qualities and denominations, that the Shroffs have found an ample field for practising their arts in extorting an extravagant batta upon almost every pecuniary transaction in which they are concerned, to the heavy oppression of individuals, and in many instances to the great detriment of the Company's revenue; and there appears to be no effectual remedy for the evil but of a general new coinage of all the circulating silver of the country into rupees, or subdivisions of rupees, of exactly the same weight, standard, and denomination.

Amongst the other preparatory steps that have been taken to carry this measure into execution, it has been determined that all revenue settlements shall be made in Sicca rupees, and you may be assured that I shall spare no pains, and neglect no percaution to accomplish with safety this salutary work.

As the opium contract terminates this season, proposals for a new contract for the term of four

years, as before, have been called for by public advertisement.

The opium ryots were by the terms of the late contract left so much in the power of the contractor, that it has been chiefly owing to the moderation and forbearance of Mr. Heatly, who held that contract, that they have not for some time past suffered great vexation and distress.

A regard for the true interests of the Company, no less than the irresistible claims of humanity, rendered it necessary to give these poor people the protection of the laws against personal violence, and to enable them to make an equitable bargain with the contractor for the produce of their labours.

I think it probable that the relief which has been given to the ryots may occasion some decrease of price on the offers that will be made by the candidates for the contract, but I am persuaded that the loss upon that head will be more than compensated to the Company by the encouragement which will be given to the ryots to extend the cultivation of the poppy, and by the measures which have been adopted being calculated to promote the general prosperity of the districts in which it is produced.

I thought that upon the whole it would be more beneficial for the Company that the Benares opium should also be provided in future by contract, and it is accordingly offered to the fairest bidder on the present occasion, under nearly the same conditions for securing good treatment to the ryots as those that are prescribed for Behar and Bengal.

An infamous traffic has, it seems, been carried

on in this country by the low Portuguese, and even by several foreign European seafaring people and traders, in purchasing and collecting native children in clandestine manner, and exporting them for sale to the French islands and other parts of India.

I have at different times taken steps to prevent the continuance of practices which are so shocking to humanity, and so pernicious to your interests, and in order to deter all persons under the authority of this Government from being concerned in that species of trade, I lately directed that a commander of a country vessel, who carried off some children last winter, should be prosecuted criminally before the Supreme Court; and I likewise published a proclamation to give notice, that any person living under the Company's protection, or in any shape under the authority of this Government, who shall be convicted of carrying on, or aiding, or abetting the barbarous traffic that I have mentioned, will be certain of meeting with the most exemplary punishment.

There are many obstacles in the way against abolishing slavery entirely in the Company's dominions, as the number of slaves is considerable, and the practice is sanctioned both by the Mahomedan and Hindoo laws.

I have, however, a plan under consideration, which I hope to be able to execute without doing much injury to the private interests, or offering great violence to the feelings of the natives, and which has for its object the abolition of the practice under certain limitations, and the establishing some rules and regulations to alleviate as much as may be possible the misery of those unfortunate

people during the time that they may be retained in that wretched situation.

The system for the administration of criminal justice under the direction of a Naib Nazim has long attracted my serious attention and is in my opinion in a most exceptionable state.

I am sufficiently sensible that great caution will be necessary in endeavouring to reform so delicate a branch of the civil government; but I feel myself called upon by the principles of humanity, and a regard for the honour and interest of the Company and the nation, not to leave this Government without endeavouring to take measures to prevent in future, on one hand, the cruel punishments of mutilation, which are frequently inflicted by the Mahomedan law, and on the other to restrain the spirit of corruption which so generally prevails in native courts, and by which wealthy offenders are generally enabled to purchase impunity for the most atrocious crimes.

In making such alterations as may appear to be necessary for effecting the above-mentioned purposes, you may be assured that the utmost care shall be taken to render the expense as light as possible to the Company.

I conceive that all regulations for the reform of that department would be useless and nugatory, whilst the execution of them depends upon any native whatever, and that it will be indispensable for the good government of this country that there should be general jail-deliveries once or twice a year, and that two or three respectable Company's servants should be selected to act as superintendents of the criminal trials, which may be conducted, under their inspection, by native judges, with the

assistance of learned Moulavies and Pundits, in strict conformity to the laws and customs of Hindostan.

Should these appointments appear to be expedient after further consideration, some reduction may be made in the present establishment of the Foujedarry department, from which the amount of the salaries that it will be proper to allot to the superintendents may in part be defrayed.

The salaries, however, ought at all events to be liberal, as upon the general principles that have been already applied to the arrangement of the other departments, the income of the superintendents should be limited to fixed and open allowances, without receiving any kind of perquisite whatever.

In establishing these principles for regulating the allowances of your servants in all the branches of your service, I trust that I have acted upon the soundest maxims of public economy.

It is neither your expectation, nor would it be possible, to obtain the services of men of experience, ability, and character in this climate, where a continuation of health is so precarious, without granting them rewards in some shape sufficiently liberal to enable them to live in a decent and comfortable manner, and to make such annual savings as to give them a prospect of being able in a moderate number of years to return to spend the latter part of their days in easy circumstances at home.

The generality of men would prefer making such a fortune by means the most open and avowed, and no mode can be more honourable than that of annual savings from an established public salary.

When the allowed salaries are evidently inadequate to the above purposes, and in a country

where your principal servants are surrounded with temptations, it could not easily be denied that it seemed to be expected, though not regularly sanctioned by Government, that they should look to some other sources of income; and in the pursuit of unauthorised gain by individuals in this country the public finances have often suffered great injury, and the poor natives in many instances very cruel oppressions.

The toleration of perquisites is likewise detrimental to the discipline of the service, for even when there is only an implied permission to take them, it is not easy to punish abuses, as after a beginning is suffered, distinct limits are with difficulty prescribed for the practice; but when liberal salaries are allowed and accepted as a complete compensation for services, a Government can, without scruple, disgrace and remove from their offices all those servants who shall be detected in deviations from the straight line of private honour and of public duty. . . .

The public credit of this Government has improved beyond the most sanguine hopes that I could have indulged a twelvemonth ago. The discount upon our certificates has not for some time past amounted to one and a half per cent. . . .

I received a letter from Mr. James Macpherson, who styles himself agent for the Nabob of Arcot, enclosing a long remonstrance against the decision of this Government in the succession to the late Rajah of Tanjore. I enclose a copy of my answer to Mr. Macpherson, which will, I trust, meet with your approbation.

I am, &c.,

CORNWALLIS.

16. *Earl Cornwallis to the Court of Directors, 6 March 1793*

Honourable Sirs,

...The same principle which induced us to resolve upon the separation of the Talooks prompted us to recommend to you on the 30th March, 1792, the abolition of a custom introduced under the native government, by which most of the principal zemindarries in the country are made to descend entire to the eldest son, or next heir of the last incumbent, in opposition both to the Hindoo and the Mahomedan law, which admit of no exclusive right of inheritance in favour of primogeniture, but require that the property of a deceased person shall be divided amongst his sons or heirs in certain specified proportions. Finding, however, upon a reference to your former orders, that you had frequently expressed a wish that the large zemindarries should be dismembered if it could be effected consistently with the principles of justice, we did not hesitate to adopt the measure without waiting for your sanction. We are happy to find that this measure corresponds so entirely with the sentiments which you have expressed in this paragraph respecting the good policy of dismembering these very large zemindarries, the evils attending which become every day more strongly impressed upon our minds. The zemindars whom the regulation will affect, cannot fail to be satisfied with it, as it leaves them at liberty to divide their property or to allow it to devolve to their heirs after their death, in the proportions to which they are entitled by law, or to keep it entire by devising the whole of it by will to any one of their heirs or

relations. There can be no doubt but this regulation will be productive of the desired effect in due course of time, as it is to be presumed that many of the principal landholders, from motives of affection to their children, or with a view to conform to the dictates of the law, will divide the property amongst their sons or heirs, or, by making no will, leave it to devolve to them in the proportions which they may be respectively entitled to inherit.

With respect to your suggestion regarding waste lands, we do not hesitate to offer it as our opinion that any attempt to stipulate for a proportion of their produce would not only be considered a breach of the engagements entered into with the landholders, but that it would greatly counteract, if not altogether damp, that spirit of industry and improvement to excite which is the great object of fixing the tax upon each estate.

It is necessary to apprise you (of what you could not have been aware) that all waste lands form a part of the estates of the different landholders, and the boundaries of the portions of those lands that belong to each individual are as well defined as the limits of the cultivated parts of their property, and that they are as tenacious of their right of possession in the former as the latter.

The waste lands may in general be comprehended under two descriptions. First, those in the level country which are interspersed in more or less extensive tracts amongst the cultivated lands; and secondly, the Sunderbunds (the country along the sea-shore between Hoogly and Megna Rivers) and the foot of the vast range of mountains which nearly encircle your Bengal provinces.

The first-mentioned description of waste ground will be easily brought into cultivation when the zemindars have funds for that purpose, and provided they are certain of reaping the profit arising from the improvement. These lands, however, are not wholly unproductive to them at present. They furnish pasture for the great herds of cattle that are necessary for the plough, and also to supply the inhabitants with ghee (a species of butter) and milk, two of the principal necessities of life in this country. It is true that the lands in this desolate state far exceed what would suffice for the above purposes, but it is the expectation of bringing them into cultivation, and reaping the profit of them, that has induced many to agree to the decennial jumma which has been assessed upon their lands. It is this additional resource alone which can place the landholders in a state of affluence, and enable them to guard against inundation or drought, the two calamities to which this country must ever be liable until the landholders are enabled to provide (as we are of opinion they in a great measure might) by the above-mentioned and other works of art. To stipulate with them, therefore, for any part of the produce of their waste lands would not only diminish the incitement to these great and essential improvements in the agriculture of the country, but deprive them of the means of effecting it. In addition to these weighty objections it would be necessary, in order to obtain any revenue from the waste lands of this description, to enter into innumerable and complicated scrutinies and measurements in the first instance to ascertain the proportions of waste and cultivated lands in each individual estate, and

to renew them annually or occasionally to know the progress made in the cultivation of the latter. The altercations and vexatious oppressions, and the great expense, which would inevitably result in settling what proportion of these waste lands should be liable to assessment, and the rates at which they should be taxed, would certainly destroy all ideas of a fixed taxation, and prevent the introduction of that spirit of industry and confidence in our good faith which is expected to result from it. The landholders and cultivators of the soil would continue (as they have hitherto been) little more than the farmers and labourers upon a great estate of which Government would be the landlord. In endeavouring, therefore, to obtain an addition to the public income by reserving a portion of the produce of the waste lands, Government would risk the realizing of the very ample revenue which has been assessed upon the country, and landed property would continue at the very depreciated value which it has hitherto borne.

With respect to the second description of waste lands (the lower parts of the Sunderbunders perhaps excepted) they also include the estates of the individuals with whom the settlement is made. But supposing these lands to be at the disposal of Government, as they have for the most part been covered with forest or underwood from time immemorial, and as the soil is in itself, compared with that of the open country, unproductive, and (besides the labour and expense which would attend the bringing it into cultivation) its produce would be comparatively of little value, from the distance of the high roads and navigable rivers, and the consequent difficulty of bringing it to market.

We are of opinion, therefore, that whilst there is a call for all the labour not only of the present inhabitants, but of the greatest increased population that peace and prosperity can be expected to produce, to bring the waste lands in the open country into cultivation, the labour of any considerable number of people would be unprofitably bestowed upon such wild and inhospitable tracts, supposing it could be directed thereto by the grant of rewards or immunities, or by any other means. When the open country is brought into cultivation, the industry of the people will then of itself be directed to these desolate tracts; but as this cannot be expected to be the case for a long period of years, we think that any premature attention to these objects that might tend in any degree to interfere with the noble system of which you have laid the foundation, would be inconsistent with good policy, and defeat the end which it might be expected to answer.

We think this a proper opportunity to observe that, if at any future period the public exigencies should require an addition to your resources, you must look for this addition in the increase of the general wealth and commerce of the country, and not in the augmentation of the tax upon the land. Although agriculture and commerce promote each other, yet in this country, more than in any other, agriculture must flourish before its commerce can become extensive. The materials for all the most valuable manufactures are the produce of its own lands. It follows therefore that the extent of its commerce must depend upon the encouragement given to agriculture, and that whatever tends to impede the latter destroys the two great sources of

its wealth. At present almost the whole of your revenue is raised upon the lands, and any attempt to participate with the landholders in the produce of the waste lands would (as we have said) operate to discourage their being brought into cultivation, and consequently prevent the augmentation of articles for manufacture or export. The increase of cultivation (which nothing but permitting the landholders to reap the benefit of it can effect) will be productive of the opposite consequences. To what extent the trade and manufactures of this country may increase under the very liberal measures which have been adopted for enabling British subjects to convey their goods to Europe at a moderate freight, we can form no conjecture. We are satisfied, however, that it will far exceed general expectations, and the duties on the import and export trade (exclusive of any internal duties which it may in future be thought advisable to impose), that may hereafter be levied, will afford an ample increase to your resources, and without burdening the people or affecting in any shape the industry of the country.

From the proceedings which we shall forward to you by the next dispatch, you will find that we have anticipated your wishes respecting the pattahs to be granted by the landholders to the ryots. It is with pleasure we acquaint you that throughout the greater part of the country specific agreements have been exchanged between the landholders and the ryots, and that where these writings have not been entered into, the landholders have bound themselves to prepare and deliver them by fixed periods. We shall here only observe that, under the new arrangements to which we shall presently

advert, the ryots will always have it in their own power to compel an adherence to the agreements by an appeal to the courts of justice, whenever the landholders may attempt to infringe them.

We now come to the very important part of your instructions empowering us to declare the tax assessed upon the lands in the provinces fixed for ever.

From the advices which we have forwarded to you since the date of the latest letter acknowledged in your instructions, you will have perceived that so far from any circumstances having occurred to defeat your reasonable expectations of the result of the settlement, the jumma of it has exceeded the estimated amount, and that every occurrence has tended to confirm and strengthen the decided opinions which we formerly expressed of the expediency of the measure. We are not aware of any material reason that would render it advisable to postpone the declaration, whereas there are a variety of considerations which appear to us to make it highly expedient that the valuable rights and tenures which you have conferred upon the landholders in these provinces should be announced to them without delay. The seasons this year have been remarkably favourable, and abundance reigns throughout the country. The public credit is high, the paper in circulation bearing an interest of 8 per cent. selling at a premium of 1 per cent., and the interest of money is proportionably low. As this paper is in course of payment, there is every ground to expect that the large capitals possessed by many of the natives (which they will have no means of employing when the public debt is discharged) will be applied to the purchase of

landed property as soon as the tenure is declared to be secure, and they are capable of estimating what profit they will be certain of deriving from it by the public tax upon it being unalterably fixed. With respect to those landholders with whom a ten years' settlement has been concluded, the announcing to them that their jumma is fixed for ever, will not only incline them to pay their current revenue with cheerfulness, but add to their ability to discharge it by the credit which they will obtain from the increased value of their tenures. On the other hand the declaration will not fail to render the few landholders who have not entered into engagements, eager to secure to themselves the same valuable rights and privileges.

For the above reasons we should think it impolitic to delay the declaration that you have empowered us to make, the announcing of which will, we are persuaded, be considered as the commencement of the era of improvement and prosperity in this country. We shall be particularly careful that the notification is drawn up in the manner you prescribe, and that the terms of it may be calculated to impress the landholders with the value and importance of the rights conferred upon them, and of your solicitude for their welfare and prosperity. We shall likewise, to prevent any further misconception, expressly reserve to you the right of establishing and collecting any internal duties that you may hereafter think proper to impose, and also declare your determination to assess all alienated or rent-free lands that may hereafter revert to Government, or be proved, after a regular trial in a court of justice, to be held under an invalid tenure. We shall further declare (although

a clause to that effect has been inserted in the engagements with the landholders) that you do not mean, by fixing the public demand upon the lands, to debar yourselves from the exercise of the right inherent in you as sovereigns of the country, of making such regulations as you may occasionally think proper for the protection of the ryots and inferior landholders, or other orders of people concerned in the cultivation of the lands. A desire to give this notification the consideration, that the importance of it merits, is the reason of its not having been transmitted to you by this dispatch.

We now come to the close of your instructions, 'the watching over and maturing of this system, maintaining under future administrations the energy which has commenced it,' and to the other important points detailed in the paragraphs specified in the margin.

It is with much satisfaction we acquaint you that we have endeavoured to provide for these important points, as well as for the administration of the laws and regulations in general, both civil and criminal. The arrangements which we have adopted for this purpose are contained in the accompanying copy of a minute from the Governor-General recorded in our proceedings of the 11th ultimo, and we have resolved to carry them into execution as soon as the collections for the Bengal year are brought to a close. For the reasons at large which have induced us to adopt these arrangements, as well as for the detail of them, we must refer you to the minute itself. We shall here only state some observations respecting them, as they are immediately connected with the part of your instructions above noticed.

The next object which is most essential to the prosperity of your dominions, is the providing for the due enforcement not only of the regulations respecting the decennial settlement, but of the laws and regulations in general which in any respect affect the rights or property of your subjects. You will observe from the Governor-General's minute that we have anticipated your remark (than which nothing can be more just) that the neglect of instituted regulations has been most noxious to your affairs, and we have long been of opinion that no system will ever be carried into effect so long as the personal qualifications of the individuals that may be appointed to superintend it, form the only security for the due execution of it. In this country, as in every other, security of property must be established by a system upheld by its inherent principles, and not by the men who are to have the occasional conduct of it. The body of the people must feel and be satisfied of this security before industry will exert itself, or the moneyed men embark their capitals in agricultural or commercial speculations. There are certain powers and functions which can never be vested in the same officers without destroying all confidence in the protection of the laws. This remark is particularly applicable to the various functions vested in the present collectors. All causes relating to the rights of the several descriptions of landholders and cultivators of the soil, and all claims arising between them and their securities, have been excepted from the cognizance of the regular courts of justice, and made exclusively cognizable by the collector of the revenue. This officer has of late years been allowed a commission

upon the collections, and at all times the realizing of the revenue has been considered as his most important duty, and any failure in the successful collection of it has subjected him to dismission from his office; under such circumstances it was naturally to be expected that the collection of the revenue would be deemed by these officers the most important of their duties, and that all considerations of right would be made subservient to it. Where the power to redress oppressions, and functions that must always have a tendency to promote or screen the commission of them, are united in the same person, a strict adherence to the principles of justice cannot be expected, and still less can it be hoped that the people will feel a confidence of obtaining justice. Upon these and other grounds, which are fully detailed in the Governor-General's minute, we resolved to abolish the Maal Adawluts or Revenue Courts, and to withdraw from the Board of the Revenue and the collectors, all judicial powers, thereby confining their duties and functions to the mere collection of the public dues, and to transfer the cognizance of the causes hitherto tried in these courts to the courts of justice.

For a more particular detail of the constitution of these courts we must refer you to the Governor-General's minute, and we shall here only observe that courts of justice are to be continued in each collectorship as heretofore, which are to be denominated *Zillah* or District Courts, and that the judge thereof is to have cognizance over civil causes of all descriptions that may arise in his jurisdiction, whether of the nature of those termed revenue causes, and hitherto tried in the Revenue Courts,

or of the description of those which have been cognizable in the courts of Dewanny Adawlut. We have resolved, likewise, that the collectors of revenue and their officers, and indeed all the officers of Government, shall be amenable to the courts for acts done in their official capacities, and that Government itself, in cases in which it may be a party with its subjects in matters of property, shall submit its rights to be tried in these courts under the existing laws and regulations. That these courts may have complete authority over all persons residing in their jurisdictions, and that natives may be able to procure redress against Europeans with the same facility as the latter can obtain it against the former, we have determined that no British subject (excepting King's officers and the civil and the military covenanted servants of the Company) shall be allowed to reside beyond the limits of Calcutta, without entering into a bond to make himself amenable to the court of justice of the district in which he may be desirous of taking up his abode, in all civil causes that may be instituted against him by natives. The judges of these courts are also to be vested with the powers of magistrates to preserve the peace, and to apprehend and commit offenders to take their trial before the Courts of Circuit.

We have likewise resolved to establish four provincial Courts of Appeal at the cities of Patna, Dacca, Moorshedabad, and Calcutta; each of these courts to be superintended by three judges: an appeal to lie to them in all cases whatsoever from the decisions of the Zillah or District and the City Courts within their respective jurisdictions. The appellate jurisdiction of these courts is to

extend over the same districts as are now comprehended in the jurisdictions of the Courts of Circuit, and are as follows : . . .

The city of Calcutta being under the jurisdiction of the Supreme Court of Judicature, the provincial Courts of Appeal will not have cognizance of any civil or criminal causes arising in it.

The decrees of the provincial Courts of Appeal are to be final in all causes of personal property not exceeding in value one thousand rupees, and in suits for real property being malguzary, or paying revenue to Government, where the annual produce shall not exceed five hundred rupees, and in causes for lakerage property (that is, paying no revenue to Government) where the annual produce shall not exceed one hundred. All decisions respecting personal or real property in causes exceeding the above amounts are to be appealable to the Supreme Board as a Court of Appeal in the last resort, and in their capacity of a Court of Sudder Dewanny Adawlut.

We have likewise resolved that the judges of the provincial Courts of Appeal shall be judges of Circuit in their respective divisions. In this capacity they will exercise the same powers and duties as were vested in the judges of the Courts of Circuit on the 3rd December, 1790 (whose offices will consequently be abolished), and will be subordinate to the Supreme Government in its capacity of a Nizamut Adawlut or Superior Criminal Court. The great additional advantage, however, which will result from this arrangement is that the provincial Courts of Appeal will consist of three judges ; the senior judge will go the circuit of one-half of the stations within their jurisdiction,

whilst the other two perform the circuit of the remainder, and consequently the two annual jail-deliveries will by this means be effected in one-half of the time in which they are accomplished at present by the two judges proceeding together to each station. As to the cities, we have resolved that there shall be a jail-delivery every month, excepting during the time that the judge may be upon the circuit in the districts.

We are, &c.

17. *The Governor-General [Marquess Wellesley] in Council to the Court of Directors, 9 July 1800*

Honourable Sirs,

The great pressure of the numerous and important duties now performed immediately by the Governor-General in Council, has induced us to take a review of the constitution of the Government-General, considered as the supreme authority in India.

It has been his Lordship's object in this review to determine what duties now executed immediately by the Governor-General in Council ought still to be performed by him; what duties ought to be delegated to other establishments, and lastly to make a permanent provision for the due discharge of those duties which the Governor-General in Council must necessarily retain, as well as of those which it has been deemed advisable he should relinquish.

In the discussion of these important questions we have not hesitated to consider the extensive and valuable possessions to the government of

which the Company have succeeded, as a great Empire. To view those possessions in any other light, must, we are persuaded, always lead to the most erronous conclusions as to the principles of policy by which they ought to be governed.

The early administration of the Company succeeded to the despotic power of the native princes.

Those princes, as in other despotic governments, united in their own persons the whole legislative, executive, and judicial powers of the State, and exercised them according to the dictates of their own discretion.

No form of government could be so ill adapted to these countries when they became dependent possessions of the British Empire, subject to be governed by persons occasionally deputed from the Mother Country.

Experience of the evils attendant on this form of government conducted by a delegated British administration, led to the modelling of the Government of Bengal, on principles drawn from the British Constitution.

A distribution of the legislative, executive, and judicial powers of the State, analogous to that which forms the basis of the British Constitution, was made the foundation of the new constitution of the Government of Bengal.

Considerations, however, arising out of the nature of our situation in this country demanded that these fundamental principles of the British Constitution should be introduced with a variety of modifications.

The lines between these three authorities were distinctly drawn, but it was obviously necessary

that the Governor-General in Council should exercise exclusively the entire legislative authority.

But at the same time that we excluded our native subjects from all participation in the legislative authority, abundant security was afforded to them, that the exercise of that authority would always be directed to their happiness and benefit.

The confirmation of their ancient laws in all matters connected with their religious prejudices, or their domestic relations, formed one of the first acts of the Governor-General in Council under the new constitution.

Provision was also made for ascertaining the sense which the people might entertain of the laws and regulations enacted for the government of the country, by the authority given to the judges of all the Courts of Judicature to propose such general or local laws as, from their intercourse with the natives in the administration of justice, might appear to them necessary to promote the public happiness and prosperity.

As an effectual security against every abuse of the legislative power vested in the Governor-General in Council, it was made a fundamental principle of the new constitution, that he shall print and publish every legislative Act in a form which renders him responsible to his country for the unjust or unwise exercise of that power.

The executive authority was of necessity also exclusively vested in the Governor-General in Council.

No check can be imposed on the Governor-General in Council in the exercise of this authority in the regulation of our connexion with the foreign States of India. But as our own interest, and that

of our subjects with regard to those connexions, are necessarily the same, they have the best security that the most effectual means will always be taken to protect the country from foreign enemies.

With regard to all acts of the executive power as they relate to the internal government of the country, the people possess the same security against any infringement by this power of the rights and principles which have been granted to them by the laws, as is enjoyed under the British Constitution.

It was judged advisable, however, to restrict the control over the executive authority to cases actually provided for by the regulations. But as legislative provisions are made for all cases not included in the existing laws as such cases arise, the discretionary power which the Governor-General in Council may now exercise in cases of that nature, must in progress of time entirely cease.

As constituting the Courts of Sudder Dewanny Adawlut and the Nizamut, or the chief civil or criminal courts, the Governor-General in Council also exercises a large portion of the judicial power.

The reasons which originally occasioned the continuance of the entire legislative and executive authority in the Governor-General in Council are obviously of a permanent nature.

There is no change in our situation in this country which can be supposed, in which it would be expedient to admit any part of our native subjects to participate in the legislative authority with the Governor-General in Council.

The same principle applies to the executive

authority of the Governor-General in Council, as far as regards the relations of the British possessions with foreign states. It can never be expedient that our native subjects should be allowed to interfere in those relations, or that any local restrictions should be imposed on the Governor-General in Council, in the conduct of them.

With regard to the executive authority of the Governor-General in Council, as far as it relates to the internal government of the country, this authority can only be vested in him. But the nature of our situation affords additional reasons for subjecting the executive authority in this branch gradually to the complete control of the law, in the same manner as that authority is restricted by the laws of the British Constitution.

While our political security demands that the entire legislative and executive authority should continue to be vested exclusively in the Governor-General in Council agreeably to the principles of the existing constitution: it is at the same time a satisfaction to know, that under the checks which are imposed on the Governor-General in Council in the exercise of these powers, the union of them in his hands, (notwithstanding the objections to which this union may be liable in theory) is perfectly compatible with the ends of good government.

There are no circumstances however connected with our political situation in this country, which require that the Governor-General in Council should continue to exercise any portion of the judicial authority.

It is equally necessary to the happiness of the people, to the prosperity of the country, and to the

stability of the British Government, that such laws as the Governor-General in Council may sanction in his legislative capacity, should be administered with ability, integrity, impartiality and expedition.

All the provisions made by the British Constitution for precluding the legislative and the executive powers of the State, from any interference in the administration of the laws, are not only applicable to the government of this country, but, if it were possible, demand to be strengthened.

An efficient control may be exercised from England over the conduct of the Governor-General in Council in his legislative capacity. But no effectual control can be exercised over him in the administration of the laws, and he may render the laws altogether nugatory by abuses, omissions, or delays in their administration.

It is essentially necessary that the security of private rights and property should be rendered altogether independent of the characters of those who may be occasionally placed at the head of your affairs in this country. This however, can never be the case, while the Governor-General in Council who makes the law, and whose acts in his executive capacity, as well as those of the long train of officers who exercise authority under him in that capacity also, constitute the chief courts which control the general administration of justice.

No inconvenience can arise from divesting the Governor-General in Council of all immediate interference in the administration of the laws, while he has the power of altering at his pleasure the law itself.

These objections to the exercise of any judicial

power by the Governor-General in Council, are founded on general and established principles of government; but other considerations render this duty incompatible with the proper functions of the Governor-General in Council.

The administration of justice in open court is one of the principal securities for its due administration.

The constant appearance of the Governor-General in Council in an open court of justice would be incompatible with that dignity which, to render him competent to the conduct of the government, it is essentially necessary that the person invested with the supreme executive and legislative power should maintain, not only in the estimation of the people immediately subject to his government, but also of the foreign powers.

The presence of the Governor-General in Council in open court would prevent the pleading of causes with becoming freedom. No native pleader would venture to contest his opinions, and the will of the Governor-General, and not the law, would be considered as the rule of decision.

As the Governor-General must necessarily be often unacquainted with the languages of the country, this circumstance alone would render it impracticable for him to preside at trials in open court, unless it should be determined that the trials should be conducted in English, and by English pleaders.

In consequence of these circumstances, the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut are held in the council chamber. Neither the parties nor their pleaders are in any cases present. The proceedings are translated into

English, and read to the members of the Court who pass their decision, which the register records.

The necessity of making these translations constitutes the chief cause of the delay in the decision of the causes which are brought before the civil and criminal courts. The translations cannot however be dispensed with, for the reasons above stated. They are also requisite for record and transmission to England, as they now constitute the only check on the Governor-General in Council in the administration of the law; but for these considerations, no translations of the proceedings on trials would be necessary.

But there is another object, unconnected with any of the above considerations, which is of itself sufficient to establish the necessity of divesting the Governor-General in Council of the judicial authority now exercised by him.

A conscientious discharge of the duties of the Sudder Dewanny Adawlut, and the Nizamut Adawlut, would of itself occupy the whole time of the Governor-General in Council.

The proper duties of these courts are not confined to the determination of the causes which are brought before them. It is also their duty to superintend the conduct of all the other courts, to watch over the general police of the country, and to frame for the consideration of the Governor-General in Council, new laws as cases may arise demanding further legislative provisions.

When your Honourable Court shall advert to the extent of your dominions, to their population, to their growing prosperity, and to the consequent multiplied concerns of individuals, it will at once be evident that it is physically impossible that the

Governor-General in Council can ever dedicate that time and attention to the duties of these courts, which must necessarily be requisite for their due discharge.

It is impossible to have the benefit of a regular and systematic government without numerous laws, and for the due administration of those laws, the necessary establishments must be provided.

Of the value of a system of government founded on these principles as connected with your permanent interests, a competent judgement may be formed by a comparison of the present state of your territories in Bengal, with that of your ancient possessions on the coast of Coromandel, as described in the able report of the Board of Revenue at Fort St. George, forwarded to your Honourable Court by this dispatch.

These considerations have induced us to determine, under the sanction of the clause of the Act, of the year of the reign of his present Majesty, that the Governor-General, and the members of council shall not constitute the Court of Sudder Dewanny Adawlut in future, but that distinct judges shall be appointed to preside in that court, with all the powers and authorities now exercised by the Governor-General and the members of council, as the judges of that court.

We have also determined, that the same judges shall constitute the Court of Nizamut Adawlut, with all the powers now exercised by the Governor-General and the members of council, as judges of that court.

The adoption of this arrangement will establish the prosperity of your dominions in Bengal, on the most solid foundations. Your Honourable Court

will yourselves be able to exercise the most effectual control over the Governor-General in Council in his legislative capacity, as his acts printed and published come under your revision. His executive authority as far as regards the internal government, will be subject to the control of the laws, and the due administration of the laws, will be secured by the courts appointed to administer them being rendered entirely distinct, both from the executive and legislative authority, at the same time that the conduct of the judges of the superior courts will be subject to the most vigilant control on the part of the executive power.

The necessity of divesting the Governor-General in Council of the exercise of any judicial authority at some future period was foreseen at the first establishment of the present constitution. It will accordingly appear, that throughout the code of regulations the powers of the Sudder Dewanny Adawlut and the Nizamut Adawlut are so framed as to admit of these courts being at any time constituted in the manner now proposed. But the cautious spirit, which will be found to pervade every part of that constitution, wisely left these judicial powers to be exercised by the Governor-General in Council, until circumstances should dictate the necessity of his relinquishing them.

The establishment of the new Courts of Sudder Dewanny Adawlut and Nizamut Adawlut providing for the discharge of the judicial duties now exercised by the Governor-General in Council, the only point connected with the subject of this address which remains to be considered, is the permanent provision to be made for enabling the Governor-General in Council to execute the legis-

lative and executive duties which are still to be performed by him.

The duties of the Governor-General in Council in his legislative capacity, are first, the framing of such laws or regulations as may occur to him to be necessary for improving the internal government of the country. Secondly, the consideration of such laws or regulations as may be proposed to him by any of the Courts of Judicature, or other authorities empowered to propose regulations.

In a despotic government the will of the ruling power stands in the place of law; but when it becomes the fundamental principle of a government to be guided by written and defined laws, every case which occurs, for which no provision is made, and every defect discovered in the existing laws, calls for the interposition of the legislative authority.

Numerous cases now demand that interposition; but it is unavoidably withheld, from the various avocations of the Governor-General in Council, rendering it impossible to give his attention to the several cases, or defects, or to make the necessary legislative provisions for them.

The superintendence of this important duty, on the due performance of which depend the happiness of the people, the extent of your resources, and the stability of your empire, will in future devolve chiefly on the new Court of Sudder Dewanny Adawlut and Nizamut. It will be the province of the Governor-General in Council to determine on the expediency of adopting the regulations which may be submitted to him by these courts, or by the other authorities empowered to propose regulations.

The duties of the Governor-General in Council in his executive capacity consist of—first, his duties as exercising the executive authority of the government of the British possessions in India. Secondly, his duties as the chief representative of the Company in India, in their commercial capacity.

The first mentioned duties must be considered, as they relate to the conduct of the relations between the British power in India, and foreign states; and secondly, as they are connected with the internal government of your own possessions.

The glorious termination of the late war in Mysore, and the events which preceded it, have not only widely extended your political relations, but have established the ascendancy of the British power over all the States of India.

The maintenance of this ascendancy, necessarily demands the constant and vigilant attention of the Governor-General in Council.

The public records afford abundant testimony, how great a proportion of the time of the Governor-General in Council must necessarily be occupied by this most important duty.

The executive duties of the Governor-General in Council, as connected with the internal government of the British possessions of Bengal, comprise the management of the public revenue, the superintendence of the general finances of India, the regulations of the army, and the infinite variety of miscellaneous business which falls under the cognizance of the executive authority in every government.

The general control exercised by the Governor-General in Council over the civil and military affairs of the subordinate governments forms

another important branch of these executive duties.

The two subordinate governments may be considered with relation to the supreme government as dependent states. The nature of the control exercised over those governments corresponds, in many material respects, with that exercised by the Crown, with regard to the American and West Indian possessions.

It is essential that this control should be extended to all matters in any respect connected with the unity, strength and stability of the British power in India.

The various questions arising out of the settlement of our recent conquests, of our connexion with the dependent power established in Mysore, and lastly, the introduction of the constitution of the internal government of Bengal into the British territories, subject to the governments of Fort St. George and Bombay, demand at present a more than ordinary attention of the Governor-General in Council, to the affairs of those governments.

Another branch of the duties of the Governor-General in Council in his executive capacity is the superintendence of the subordinate settlements, and of our acquisitions from the French and the Dutch.

As the chief representative of the Company in their commercial capacity the Governor-General in Council has the immediate superintendence of their commercial concerns in Bengal, and exercises a general control over the provision of the investment at the other presidencies, including a considerable degree of attention to their affairs in China.

The establishment attached to the Governor-General in Council in his legislative and executive capacity, for the conduct of these various and important duties under circumstances peculiarly arduous and critical, has hitherto consisted of a secretary, and four sub-secretaries. The assistants under these officers are necessarily incompetent to afford them any effectual aid in their more important duties.

From the constitution of these offices of sub-secretary, these offices were not acceptable to persons of any pretensions in the respective departments, either from their rank in the service, or from their talents. They have accordingly for the most part been filled by junior servants, necessarily incompetent to afford any efficient assistance in the execution of the duties of government.

It is of the greatest importance to the public interests, that the establishments of the several departments immediately connected with the legislative and executive capacity of the Governor-General in Council should be so constituted as to ensure at the head of the respective departments, the assistance of men of ability, integrity and experience, competent to the due conduct of the ordinary duties of the government.

Establishments so constituted will form a great check to negligence or misrule; at the same time that they will always be powerful instruments in the hands of those who are zealous in the promotion of the public interests.

The Governor-General in Council therefore determined to make the situations of the public officers, who are to be his instruments for the conduct of the government of the British posses-

sions in India, offices of high honour, and of the first emolument.

This was the only mode of enabling the Governor-General in Council to command the services of men of the first talents and ability, in the respective departments.

As connected with the principle of relieving the Governor-General in Council from all unnecessary labour of detail, our attention has been drawn to the number of papers which it has been the practice for the Governor-General in Council to attest with his own signature. Much of the time of the Governor-General in Council is occupied unnecessarily in the signature of these papers, and the dispatch of the public business is often considerably impeded in obtaining his signature to them.

We have accordingly determined, that all public papers shall be authenticated by the signature of the secretary to the department. From this general rule, however, we have of course excepted our addresses to your honourable Court, and to the subordinate Presidencies, and all other papers, to which considerations of respect to superior authority, or other circumstances, may render it proper that the signatures of the Governor-General in Council should be affixed. Conformably to this determination, your honourable Court will find the sets of the public proceedings which are transmitted to you, attested by the secretaries of the respective departments, by order of the Governor-General in Council, instead of being signed by the Governor-General and the members of Council.

In this review of the constitution of the supreme government of the Company's possessions in India, it could not escape the Governor-General in Council,

that the wisest system of government will but imperfectly answer its ends, unless means are at the same time taken for providing persons duly qualified for the conduct of the system.

It would be useless to enter into any argument to prove that the same general qualifications necessary for the first political, judicial, financial and commercial stations in Europe, are equally requisite for the due discharge of the duties of similar situations in India.

Your Honourable Court can yourselves form an adequate judgement how far your servants are in general competent to discharge these high offices. You know at what age they are sent from England, and what are at that period their qualifications for the office to which they are destined. You are also apprised how far the occupations on which the first years of their residence in India are employed, are calculated to give them these qualifications.

Your servants are nominated to the highest stations of civil government, without any test of their possessing the requisite qualifications for the discharge of the functions of these offices. No such test could now indeed be required, none having been prescribed, and no means having been afforded to individuals of acquiring the necessary qualifications for public stations.

In consequence of this serious defect in the system of your government, it has been the practice to transfer your servants from one line of the service to another, with little regard to the qualifications for the offices for which they have been selected. No imputation attaches in this respect to your governments. Among those from

whom the selection was to be made, there could not possibly exist any material ground of preference.

It is far from our intention in these observations to reflect on the general talents, character, or integrity of your servants on this establishment. Whatever may be their deficiencies, they are not ascribable to themselves, but to the nature of the service. Great exertions indeed have been made by individuals, and it affords matter of astonishment, that under such disadvantages they should have acquitted themselves with so much ability and success, in situations which in Europe are to be attained only by regular and systematic education and laborious exertions.

It is obvious that an education exclusively European or Indian, would not qualify your servants for the situations which they are destined to fill. The foundation of their education must be laid in England, and it must be completed systematically after their arrival in India.

The Governor-General in Council has, therefore, determined to found an establishment at this Presidency, of the nature of a collegiate institution, for the purpose of enabling the servants of the Company to perfect themselves in those acquirements, which form the necessary qualifications for the different lines of the service, in which they may choose to engage. It is our intention that the junior servants shall be attached to this institution for a certain period after their arrival, instead of being employed in the unprofitable occupation of transcribing papers, and abandoned to the dictates of their own discretion, both with regard to their morals and acquirements.

An institution of this description will ensure a

succession of men, equal to the support of the great interests of the Company, and of the British nation in India.

The above observations with regard to the education and qualifications of your civil servants in Bengal for the conduct of civil government apply with equal force to your servants under the other Presidencies. Under our instructions to Fort St. George, of the 31st December last, and the orders which we have it in contemplation to issue to Bombay, the civil servants on those establishments will be shortly called upon to exercise the same important functions as the civil servants in Bengal.

Whether it will be advisable to bring the junior servants attached to the establishments of Fort St. George and Bombay to Bengal in the first instance, in order to enable them to acquire the necessary qualifications here, or to found institutions for the purpose at those Presidencies, is a question which will demand further consideration.

When the details of the plan of the intended institution shall have been arranged, we shall lose no time in forwarding it to your Honourable Court. As it cannot fail to redound equally to the honour and happiness of the civil servants, as well as to promote the solid and substantial interests of the Company, and of the nation, we feel the strongest conviction that it will meet with your approbation.

As connected with the subject of forming the characters of your servants, we cannot omit to notice the state of your religious establishments in this country.

The sentiments which have occurred to the Governor-General regarding these establishments,

will hereafter form the subject of a separate address to your Honourable Court from his lordship.

It is of the last importance to the stability of the British power in India, that these establishments should be placed on the most respectable footing. Such establishments will cherish in the minds of the servants of the Company a sense of moral duty, and teach those who fill important stations, that the great public duties, which they are called upon to execute in India, are not of a less sacred nature than the duties of similar situations in their own country. In proportion as persons holding such situations are brought to entertain these high and worthy notions of their functions, and to consider themselves as more especially accountable to that Being, whose instruments they are in the government of a large portion of the human race, in the same degree will they discharge their duties with zeal, diligence and integrity.

We feel that it would not only be impolitic, but highly immoral to suppose that Providence has admitted of the establishment of the British power over the finest provinces of India, with any other view than that of its being conducive to the happiness of the people, as well as to our national advantage.

In proportion as the policy and conduct of the British Government shall correspond with these beneficent intentions, we are persuaded that its power will acquire increasing stability.

Impressed with a deep sense of the justice and wisdom of these principles, we are confident that it will always be equally for the interests of the Company, and of the British nation, that they should constitute the basis of the system of our

Indian Government; and that consistently with the considerations of a well regulated economy, we ought never to withhold that portion of the resources derived from these valuable possessions, which may be found indispensably necessary for dispensing to them the invaluable blessings of civil order and good government.

We have the honour to be, &c.,

WELLESLEY and COUNCIL.

18. *The Marquess of Hastings to the Court of Directors, 8 February 1818*

HONOURABLE SIRS,

All essential operations (except in the State of Poona) being now terminated, and our arrangements having taken their destined shape, I do myself the honour of stating to you the general issue of the campaign.

Matters had a different turn from that on which every probability authorized me to reckon, as soon as the treaty was signed by Dowlut Rao Scindiah. The engagements to which he subscribed were an acknowledgement of his inability to counteract the measures contemplated against the Pindarries; and no other power appeared to have either inducement or means to support the banditti against the force which we had put into motion. No surmise existed of other ground of contest. The perfidious endeavours of the Peishwah to excite the native sovereigns against us were, indeed, known: but it did not seem natural that they should have made any impression; far less could it be suspected that absolute obligations for co-operating with him had been plighted.

From the above prospect, no result could enter less into the speculations of your government, than that any advantage should be acquired for the Honourable Company, beyond the establishment of a pacific system in Central India. Though the undertaking this great object was imposed upon you by the duty of securing your subjects in future against such ravages as those which they had experienced in two successive years, the suppression of a powerful body, professedly banded for the purpose of indiscriminate plunder, and which accompanied its rapine with acts of the most atrocious inhumanity, was in itself an enterprise becoming a British Government. That our motives might be thoroughly unequivocal, it was my anxious wish that the reputation of so laudable a service should alone remunerate the Honourable Company for the effort; and, with a premature confidence, I took the liberty of expressing to you my joy at the likelihood of our accomplishing the end, without a particle of defalcation from the possessions of any native sovereign. If those hopes have been defeated, it will appear not to have been through any provocation on our part: and if addition shall be made to your territory, it will be seen that it is only through the imperious necessity of guarding against the speedy renewal of a treachery so rooted in its nature as to admit of no other prevention.

The fear of losing the opportunity for distinguishing his outset in arms with a show of success, added to the rancorous desire of murdering your minister who resided on the faith of treaties at His Highness's court, induced the Peishwah to precipitate matters. On his taking the field earlier than his secret confederates expected, they

endeavoured to fulfil their compact, though they were by no means prepared. Holkar's government immediately assembled troops, with the proclaimed design of supporting the Peishwah, and marched in the direction of Poona. The concourse to that standard was much greater than could have been expected ; notwithstanding which, Lieutenant-General Sir Thomas Hislop manifested the most exemplary and generous patience, before he took the decision of dispersing that army by force. His Excellency was instructed by me to use every effort of conciliatory representation towards persuading Holkar's Sirdars to abandon their hostile purpose ; but should that fail, he was directed to treat Holkar as an enemy. The moderation of Sir Thomas Hislop's tone was construed by the opposite party as proceeding from an apprehension of their strength, and the most contemptuous insults were offered to our troops. The beating down this spirit for the present hour would be of little avail, if a disposition of such gratuitous enmity were not to be restricted in the means of its future indulgence ; but beyond this consideration, the displayed and professed obedience to the Peishwah's summons, in breach of existing treaties, exacted strict precautions for our security. As everything which we restored to Holkar, and even the permission for his continuance on the Musnud, was a positive boon, we were thoroughly entitled to appropriate to the Honourable Company, out of the conquered lands, a revenue sufficient to defray the charge of a force, the stationing of which in that quarter, the wanton hostility of Holkar's government, had proved to be an indispensable provision for the future.

The same Mahratta tie which acted so irresistibly upon Holkar's court was as powerful with the Rajah of Nagpore. Our whole conduct towards him had been unvaried kindness; nor had a single point of difference ever arisen in the political transactions between us. The extinction of the Pindarries, who annually plundered his territories, was an object of earnest desire to him. Yet while, with such antecedent reasons for mutual confidence, we were prosecuting that enterprise, he publicly received from the Peishwah (then in arms against us) a khelat with an honorary title, and issued private orders for the levy of troops in all quarters. On being solicited by the Resident to explain the assemblage of troops which was taking place round Nagpore, he with the basest deceit protested his inviolable amity, while he was equipping himself for a profligate outrage to the law of nations, in an attack on our accredited minister at his court. Subsequent events irrefragably proved that no reliance could be placed on him or his people. The option for us was, to leave him with the temptation and the means of fashioning his preparations better for another opportunity, or to bind him to tranquillity by diminishing his resources, and thereby forbidding his hopes of success. The subversion of all the beneficial changes which we have been effecting would have been the early and least injurious consequence of the former branch of the alternative. There was, in truth, no choice. Simple self-defence required us to retain the districts which we had subdued by the action at Jubbulpore, and to maintain in them an advanced force as a permanent curb on Nagpore. To these must be added the territory of Saugor. The

sovereignty over that possession was transferred to the Honourable Company by the treaty of Poona; but Benaick Row, the manager of Saugor, in violation of his allegiance, has not only screened the Pindarries, but permitted the public levy of men in the town of Saugor for the Rajah of Nagpore, after that prince had put himself into a state of open war with us, by the attacks on the British Resident on the 26th and 27th of November.

The conduct of Nana Govind Row, the other claimant on Saugor, though not openly hostile, had been such as to justify our proceeding against that district, without reference to his pretensions, further than as considerations of policy may suggest a partial attention to his interests.

Whatsoever had been said relative to Holkar and the Rajah of Nagpore, will apply still more forcibly to the Peishwah. As the contest with him is not come to a termination, nothing but the principle can be expressed.

Scindia had not incurred forfeiture, though he has essentially deserved that penalty. I should say, that the very letter of the treaty has been observed to him with even too much strictness, if too much strictness of construction could be observed towards an unequal antagonist. His troops have, in no one instance, impeded the marches of the retreating Pindarries; much less have they contributed any co-operation with us: and his contingent of horse has been withheld under various pretences, until it was no longer of any consequence. Relying on our respect for the obligations of forbearance which the treaty imposed on us, he has hardly disguised that he was watching the course of the Peishwah's affairs, and projected the

adoption of measures consonant to any encouragement they might hold out. It is beyond question, that Holkar's taking the field would have been sufficient to decide him, had I not come so rapidly back upon him. From our proximity he knew, that should he stir, I could be upon him, before it would be practicable for him to get his artillery through the passes of the hills which separate the province of Gwalior from the southern districts; he would, therefore, be driven to choose, whether he would shut himself up in his fortress of Gwalior with his ordnance, or, leaving it there, betake himself, without artillery, across the ridge. In either case, Gwalior would have been masked with a small entrenched camp, while the occupation of the passes over the hills left the territory behind to be reduced at leisure; and Ameer Khan, with his troops, would have been summoned to take possession of the southern tracts under the protection of our divisions. This Scindia doubtless foresaw, and has escaped: but, though he will still benefit highly by our restitution to him of lands which were held by the Pindarries, he has no claim on our liberality. Those disorders of state which we might have helped him to regulate, and those financial difficulties which we might have smoothed for him, will press him with augmented force, now that we have deprived him of extraneous resources, and his government will probably soon fall to pieces. Should that not happen, a salutary caution against tolerating hereafter any predatory combinations within his dominions, will have been impressed upon him by the chastisement which Jeswunt Rao Bhow has received. That officer commanded a separate army of

Scindia's at Jawud. In contempt of the orders publicly delivered to him on the part of Scindia, he not only furnished provisions, and every facilitation of progress, to the body of Pindarries retreating under Cheetoo, but he gave to that chief intelligence of the approach of the British troops, and saved him from being cut off. Our forbearance overlooked this direct hostility: but when we found his practices were continued, in despite of every remonstrance from the officer stationed to superintend his conduct, when we learned that he protected Pindarries and their property in his camp, under the very eye of that officer; when we discovered that, in violation of the treaty, he privately enrolled the troops which seceded from Holkar's army, it became necessary to take up the matter seriously. Major-General Brown, detached with a corps from this division, was ordered to require the surrender of the Pindarries, and of two Sirdars by whom they had been more immediately sheltered. On information that, under the connivance of the Bhow, the two Sirdars with the bodies of horse belonging to them were about to quit the place, carrying off the Pindarries, the Major-General dispatched a squadron of cavalry to get beyond the camp and prevent their flight, while he should renew representations to Jeswunt Rao. The object of this detachment being suspected, our cavalry were fired upon by the Bhow's infantry, and four pieces of cannon were also opened upon them: an aggression which entailed the attack and dispersion of Jeswunt Rao's army, as well as the capture of the town of Jawud. The occurrence has been fortunate; because we could not but be sensible, that had the Bhow remained in possession of power, his force would have been a

rallying point for all the plunderers whom we had with such exertion scattered, so as that our interference would have been demanded hereafter, when the moment might have been far less convenient.

The exertions of the Nawab of Bhopaul in supplying with provisions our columns which advanced from the Nerbudda, in aiding towards the expulsion of the Pindarries, and in contributing eight hundred horse to the division of Lieutenant-Colonel Adams throughout the campaign, have been so meritorious that it is impossible to deny him the benefit of British protection. The events which have extended your possessions along the front of Bhopaul so totally extinguish the considerations influencing your objection to receiving it as a feudatory, that I think I cannot err in regarding the prohibition as no longer in force. It is a material barrier between Scindia and Nagpore on that side; while Kota, Boondee, Kerowly, and Holkar's possessions, restrict him along the Chumbul. Those minor states mentioned are countries of great natural strength, and would be vigorously defended, now that their rulers know themselves safe against the danger of ultimately succumbing.

The Rajpoot rulers of Jodepore and Odeypore have by treaty constituted themselves your feudatories; and the Vakeels from the Rajah of Jeypore are now at Delhi, arranging the terms on which that prince is to be admitted to the same relation. The smaller states to the westward will follow of course.

The Honourable Secret Committee, looking forward to the necessity of contracting some such ties, enjoined that such eventual engagements should be restricted to what were distinctly

indispensable towards the extirpation of the Pindarries. The objections to an extension of them were obviously two: first the possible expense attending the provisions for fulfilling compacts of that nature; secondly, their tendency to embroil us with other powers. Neither of those consequences are involved in the arrangements which occurrences recommended to my adoption. The States received as feudatory under the Honourable Company's protection will defray a considerable portion of military charge antecedently resting on your treasury; and it will be visible to your Honourable Court, that Scindia, the only remaining sovereign who could have a difference with any of the governments in question, must experience the strongest of all dissuasions against aggression, from the very amount of those powers which we have confederated. I have thence construed the instructions as not applicable to circumstances so little analogous to what had been in the contemplation of the Honourable Committee or of myself. Events, altogether unexpected, presented a juncture which was to be dealt with according to its particular features. Believing that I have availed myself of it in the manner best calculated to ensure future tranquillity, I trust your Honourable Court will approve my procedure, when you consider the certainty that any state, not taken under your protection and guidance, must have afforded to Scindia's detached Sirdars a field for rapine, and would, in its quest for means of self-preservation, have revived a predatory association, by the number of lawless adventurers which it would attract for its defence without having resources to pay their service. In such a case, an urgent policy must have forced us to an

expensive interference, the simple pledge of which will now be sufficient to secure us against the call for its real exertion.

That these complicated concerns have been settled in less than three months since the southern divisions crossed the Nerbudda (the actual opening of the campaign), is an advantage on which I beg leave sincerely to congratulate the Honourable Court. It has been usual to communicate to the Horse-Guards by an aide-de-camp the fortunate result of any considerable operation in which His Majesty's troops have had a share, a brevet step being generally hoped for the individual charged with the intelligence. I assure myself that your Honourable Court will regard the present instance as one which stands exempted from the spirit of your interdict against sending officers to Europe with dispatches, and that you would wish Captain Stanhope (who has the honour of presenting this letter) to have the chance of benefiting by a practice devised to stimulate the activity of generals, through the interest they take in the persons composing their professional suite. Howsoever void of claim to distinction has been the part which I have filled in the late transactions, the courtesy of the service may probably obtain for the aide-de-camp of the Commander-in-Chief a recognition of the success with which a military undertaking of no ordinary extent has been completed.

I have, &c.
(Signed) HASTINGS.

Camp at Kinjowlee,
on the banks of the Sinde,
8th February 1818.

19. *Lord William Bentinck on the Suppression of Sati, 8 November 1829*

Whether the question be to continue or to discontinue the practice of *sati*, the decision is equally surrounded by an awful responsibility. To consent to the consignment year after year of hundreds of innocent victims to a cruel and untimely end, when the power exists of preventing it, is a predicament which no conscience can contemplate without horror. But, on the other hand, if heretofore received opinions are to be considered of any value, to put to hazard by a contrary course the very safety of the British Empire in India, and to extinguish at once all hopes of those great improvements—affecting the condition not of hundreds and thousands but of millions—which can only be expected from the continuance of our supremacy, is an alternative which even in the light of humanity itself may be considered as a still greater evil. It is upon this first and highest consideration alone, the good of mankind, that the tolerance of this inhuman and impious rite can in my opinion be justified on the part of the government of a civilized nation. While the solution of this question is appalling from the unparalleled magnitude of its possible results, the considerations belonging to it are such as to make even the stoutest mind distrust its decision. On the one side, Religion, Humanity, under the most appalling form, as well as vanity and ambition—in short, all the most powerful influences over the human heart—are arrayed to bias and mislead the judgement. On the other side, the sanction of countless ages, the example of all the Mussulman conquerors,

the unanimous concurrence in the same policy of our own most able rulers, together with the universal veneration of the people, seem authoritatively to forbid, both to feeling and to reason, any interference in the exercise of their natural prerogative. In venturing to be the first to deviate from this practice it becomes me to show that nothing has been yielded to feeling, but that reason, and reason alone, has governed the decision.

So far indeed from presuming to condemn the conduct of my predecessors, I am ready to say that in the same circumstances I should have acted as they have done. So far from being chargeable with political rashness, as this departure from an established policy might infer, I hope to be able so completely to prove the safety of the measures as even to render unnecessary any calculation of the degree of risk which for the attainment of so great a benefit might wisely and justly be incurred. So far also from being the sole champion of a great and dangerous innovation, I shall be able to prove that the vast preponderance of present authority has long been in favour of abolition. Past experience indeed ought to prevent me, above all men, from coming lightly to so positive a conclusion. When Governor of Madras I saw in the mutiny of Vellore the dreadful consequences of a supposed violation of religious customs upon the minds of the native population and soldiery. I cannot forget that I was then the innocent victim of that unfortunate catastrophe; and I might reasonably dread, when the responsibility would justly attach to me in the event of failure, a recurrence of the same fate. Prudence and self-interest would counsel me to tread in the footsteps of my predecessors. But in

a case of such momentous importance to humanity and civilization that man must be reckless of all his present or future happiness who could listen to the dictates of so wicked and selfish a policy. With the firm undoubting conviction entertained upon this question, I should be guilty of little short of the crime of multiplied murder if I could hesitate in the performance of this solemn obligation. I have been already stung with this feeling. Every day's delay adds a victim to the dreadful list, which might perhaps have been prevented by a more early submission of the present question. But during the whole of the present year much public agitation has been excited, and when discontent is abroad, when exaggerations of all kinds are busily circulated, and when the native army have been under a degree of alarm lest their allowances should suffer with that of their European officers, it would have been unwise to have given a handle to artful and designing enemies to disturb the public peace. The recent measures of Government for protecting the interests of the Sepoys against the late reduction of companies will have removed all apprehension of the intentions of Government; and the consideration of this circumstance having been the sole cause of hesitation on my part, I will now proceed, praying the blessing of God upon our counsels, to state the grounds upon which my opinion has been formed.

We have now before us two reports of the Nizamat Adalat, with statements of *satis* in 1827 and 1828, exhibiting a decrease of 54 in the latter year as compared with 1827, and a still greater proportion as compared with former years. If this diminution could be ascribed to any change of

opinion upon the question produced by the progress of education or civilization the fact would be most satisfactory, and to disturb this sure though slow process of self-correction would be most impolitic and unwise. But I think it may be safely affirmed that, though in Calcutta truth may be said to have made a considerable advance among the higher orders, yet in respect to the population at large no change whatever has taken place, and that from these causes at least no hope of the abandonment of the rite can be rationally entertained. The decrease, if it be real, may be the result of less sickly seasons, as the increase in 1824 and 1825 was of the greater prevalence of cholera. But it is probably in a greater measure due to the more open discouragement of the practice given by the greater part of the European functionaries in latter years, the effect of which would be to produce corresponding activity in the police officers, by which either the number would be really diminished or would be made to appear so in the returns.

It seems to be the very general opinion that our interference has hitherto done more harm than good by lending a sort of sanction to the ceremony, while it has undoubtedly tended to cripple the efforts of magistrates and others to prevent the practice.

I think it will clearly appear from a perusal of the documents annexed to this Minute, and from the facts which I shall have to adduce, that the passive submission of the people to the influence and power beyond the law—which in fact and practically may be and is often exercised without opposition by every public officer—is so great that

the suppression of the rite would be completely effected by a tacit sanction alone on the part of Government. This mode of extinguishing it has been recommended by many of those whose advice has been asked; and no doubt this in several respects might be a preferable course, as being equally effectual while more silent, not exciting the alarm which might possibly come from a public enactment, and from which in case of failure it would be easy to retreat with less inconvenience and without any compromise of character. But this course is clearly not open to Government, bound by Parliament to rule by law and not by their good pleasure. Under the present position of the British Empire, moreover, it may be fairly doubted if any such underhand proceeding would be really good policy. When we had powerful neighbours and had greater reason to doubt our own security, expediency might recommend an indirect and more cautious proceeding, but now that we are supreme my opinion is decidedly in favour of an open, avowed, and general prohibition, resting altogether upon the moral goodness of the act and our power to enforce it; and so decided is my feeling against any half measure that, were I not convinced of the safety of total abolition, I certainly should have advised the cessation of all interference.

Of all those who have given their advice against the abolition of the rite, and have described the ill effects likely to ensue from it, there is no one to whom I am disposed to pay greater deference than Mr. Horace Wilson. I purposely select his opinion because, independently of his vast knowledge of Oriental literature, it has fallen to his lot, as

secretary to the Hindu College, and possessing the general esteem both of the parents and of the youths, to have more confidential intercourse with natives of all classes than any man in India. While his opportunity of obtaining information has been great beyond all others, his talents and judgement enable him to form a just estimate of its value. I shall state the most forcible of his reasons, and how far I do and do not agree with him.

1st. Mr. Wilson considers it to be a dangerous evasion of the real difficulties to attempt to prove that *satis* are not 'essentially a part of the Hindu religion'. I entirely agree in this opinion. The question is not what the rite is but what it is supposed to be, and I have no doubt that the conscientious belief of every order of Hindus, with few exceptions, regards it as sacred.

2nd. Mr. Wilson thinks that the attempt to put down the practice will inspire extensive dissatisfaction. I agree also in this opinion. He thinks that success will only be partial, which I doubt. He does not imagine that the promulgated prohibition will lead to any immediate and overt act of insubordination, but that affrays and much agitation of the public mind must ensue. But he conceives that, if once they suspect that it is the intention of the British Government to abandon this hitherto inviolate principle of allowing the most complete toleration in matters of religion, there will arise in the minds of all so deep a distrust of our ulterior designs that they will no longer be tractable to any arrangement intended for their improvement, and that the principle of a purer morality, as well as of a more virtuous and exalted rule of action, now actively inculcated by European

education and knowledge, will receive a fatal check. I must acknowledge that a similar opinion as to the probable excitation of a deep distrust of our future intentions was mentioned to me in conversation by that enlightened native, Ram Mohun Roy, a warm advocate for the abolition of *sati* and of all other superstitions and corruptions engrafted on the Hindu religion, which he considers originally to have been a pure Deism. It was his opinion that the practice might be suppressed quietly and unobservedly by increasing the difficulties and by the indirect agency of the police. He apprehended that any public enactment would give rise to general apprehension, that the reasoning would be, 'While the English were contending for power, they deemed it politic to allow universal toleration and to respect our religion, but having obtained the supremacy their first act is a violation of their profession, and the next will probably be, like the Muhammadan conquerors, to force upon us their own religion.'

Admitting, as I am always disposed to do, that much truth is contained in these remarks, but not at all assenting to the conclusions which, though not described, bear the most unfavourable import, I shall now inquire into the evil and the extent of danger which may practically result from this measure.

It must be first observed that of the 463 *satis* occurring in the whole of the Presidency of Fort William, 420 took place in Bengal, Behar, and Orissa, or what is termed the Lower Provinces, and of these latter 287 in the Calcutta Division alone.

It might be very difficult to make a stranger to India understand, much less believe, that in a

population of so many millions of people as the Calcutta Division includes, and the same may be said of all the Lower Provinces, so great is the want of courage and of vigour of character, and such the habitual submission of centuries, that insurrection or hostile opposition to the will of the ruling power may be affirmed to be an impossible danger. I speak of the population taken separately from the army, and I may add for the information of the stranger, and also in support of my assertion, that few of the natives of the Lower Provinces are to be found in our military ranks. I therefore at once deny the danger *in toto* in reference to this part of our territories, where the practice principally obtains.

If, however, security was wanting against extensive popular tumult or revolution, I should say that the Permanent Settlement, which, though a failure in many other respects and in its most important essentials, has this great advantage at least, of having created a vast body of rich landed proprietors deeply interested in the continuance of the British Dominion and having complete command over the mass of the people ; and in respect to the apprehension of ulterior views, I cannot believe that it could last but for the moment. The same large proprietary body, connected for the most part with Calcutta, can have no fears of the kind, and through their interpretation of our intentions and that of their numerous dependants and agents, the public mind could not long remain in a state of deception.

Were the scene of this sad destruction of human life laid in the Upper instead of the Lower Provinces, in the midst of a bold and manly people,

I might speak with less confidence upon the question of safety. In these Provinces the *satis* amount to forty-three only upon a population of nearly twenty millions. It cannot be expected that any general feeling, where combination of any kind is so unusual, could be excited in defence of a rite in which so few participate, a rite also notoriously made too often subservient to views of personal interest on the part of the other members of the family.

It is stated by Mr. Wilson that interference with infanticide and the capital punishment of Brahmans offer a fallacious analogy with the prohibition now proposed. The distinction is not perceptible to my judgement. The former practice, though confined to particular families, is probably viewed as a religious custom; and as for the latter, the necessity of the enactment proves the general existence of this exception, and it is impossible to conceive a more direct and open violation of their Shasters, or one more at variance with the general feelings of the Hindu population. To this day in all Hindu states the life of a Brahman is, I believe, still held sacred.

But I have taken up too much time in giving my own opinion when those of the greatest experience and highest official authority are upon our records. In the report of the Nizamat Adalat for 1828, four out of five of the Judges recommended to the Governor-General in Council the immediate abolition of the practice, and attest its safety. The fifth Judge, though not opposed to the opinions of the rest of the Bench, did not feel then prepared to give his entire assent. In the report of this year the measure has come up with the unanimous

recommendation of the Court. The two Superintendents of Police for the Upper and Lower Provinces (Mr. Walter Ewer and Mr. Charles Barwell) have in the strongest terms expressed their opinion that the suppression might be effected without the least danger. The former officer has urged the measure upon the attention of Government in the most forcible manner. No documents exist to show the opinions of the public functionaries in the interior, but I am informed that nine-tenths are in favour of the abolition.

How, again, are these opinions supported by practical experience ?

Within the limits of the Supreme Court at Calcutta not a *sati* has taken place since the time of Sir John Anstruther.

In the Delhi territory Sir Charles Metcalfe never permitted a *sati* to be performed.

In Jessore, one of the districts of the Calcutta Division, in 1824 there were 30 *satis* ; in 1825, 16 ; in 1826, 3 ; in 1827 and in 1828 there were none. To no other cause can this be assigned than to a power beyond the law exercised by the acting magistrate, against which, however, no public remonstrance was made. Mr. Pigou has since been appointed to Cuttack, and has pursued the same strong interference as in Jessore, but his course, although most humane, was properly arrested, as being illegal, by the Commissioners. Though the case of Jessore is, perhaps, one of the strongest examples of efficacious and unopposed interposition, I really believe that there are few districts in which the same arbitrary power is not exercised to prevent the practice. In the last work in the report of the Acting Commissioner

(Mr. Smith) he states that in Ghazipur in the last year sixteen, and in the preceding year seven, *satis* had been prevented by the persuasions, or, rather, it should be said, by the threats, of the police.

Innumerable cases of the same kind might be obtained from the public records.

It is stated in the letter of the Collector of Gaya (Mr. Trotter), but upon what authority I have omitted to inquire, that the Peshwa (I presume he means the ex-Peshwa Baji Rao) would not allow the rite to be performed, and that in Tanjore it is equally interdicted. These facts, if true, would be positive proofs at least that no unanimity exists among the Hindus upon the point of religious obligation.

Having made inquiries, also, how far *satis* are permitted in the European foreign settlements, I find from Dr. Carey that at Chinsurah no such sacrifices had ever been permitted by the Dutch Government. That within the limits of Chandarnagar itself they were also prevented, but allowed to be performed in the British territories. The Danish Government of Serampur has not forbidden the rite, in conformity to the example of the British Government.

It is a very important fact that, though representations have been made by the disappointed party to superior authority, it does not appear that a single instance of direct opposition to the execution of the prohibitory orders of our civil functionaries has ever occurred. How, then, can it be reasonably feared that to the Government itself, from whom all authority is derived, and whose power is now universally considered to be irresistible, anything bearing the semblance of resistance

can be manifested? Mr. Wilson also is of opinion that no immediate overt act of insubordination would follow the publication of the edict. The Regulation of Government may be evaded, the police may be corrupted, but even here the price paid as hush money will operate as a penalty, indirectly forwarding the object of Government.

I venture, then, to think it completely proved that from the native population nothing of extensive combination, or even of partial opposition, may be expected from the abolition.

It is, however, a very different and much more important question how far the feelings of the native army might take alarm, how far the rite may be in general observance by them, and whether, as in the case of Vellore, designing persons might not make use of the circumstances either for the purpose of immediate revolt or of sowing the seeds of permanent disaffection. Reflecting upon the vast disproportion of numbers between our native and European troops, it was obvious that there might be in any general combination of the forces the greatest danger to the State, and it became necessary, therefore, to use every precaution to ascertain the impression likely to be made upon the minds of the native soldiery.

Before I detail to Council the means I have taken to satisfy my mind upon this very important branch of the inquiry, I shall beg leave to advert to the name of Lord Hastings. It is impossible but that to his most humane, benevolent, and enlightened mind this practice must have been often the subject of deep and anxious meditation. It was consequently a circumstance of ill omen and some disappointment not to have found upon the

Records the valuable advice and direction of his long experience and wisdom. It is true that during the greater part of his administration he was engaged in war, when the introduction of such a measure would have been highly injudicious. To his successor, Lord Amherst, also, the same obstacle was opposed. I am, however, fortunate in possessing a letter from Lord Hastings to a friend in England upon *satis*, and from the following extract, dated 21 November 1823, I am induced to believe that, had he remained in India, this practice would long since have been suppressed :—

The subject which you wish to discuss is one which must interest one's feelings most deeply, but it is also one of extreme nicety when I mention that in one of the years during my administration of government in India about 800 widows sacrificed themselves within the Provinces comprised in the Presidency of Bengal, to which number I very much suspect that very many not notified to the magistrate should be added. I will hope to have credit for being acutely sensible to such an outrage against humanity. At the same time I was aware how much danger might attend the endeavouring to suppress forcibly a practice so rooted in the religious belief of the natives. No men of low caste are admitted into the ranks of the Bengal Army. Therefore the whole of that formidable body must be regarded as blindly partial to a custom which they consider equally referrible to family honour and to point of faith. To attempt the extinction of the horrid superstition without being supported in the procedure by a real concurrence on the part of the army would be distinctly perilous. I have no scruple to say that I did believe I could have carried with me the assent of the army towards such an object. That persuasion, however, arose from circumstances which gave me peculiar influence over the native troops.

Lord Hastings left India in 1823. It is quite certain that the Government of that time were much more strongly impressed with the risk of the undertaking than is now very generally felt. It

would have been fortunate could this measure have proceeded under the auspices of that distinguished nobleman, and that the State might have had the benefit of the influence which undoubtedly he possessed in a peculiar degree over the native troops. Since that period, however, six years have elapsed. Within the territories all has been peaceful and prosperous, while without, Ava and Bhartpur, to whom alone a strange sort of consequence was ascribed by public opinion, have been made to acknowledge our supremacy. In this interval experience has enlarged our knowledge, and has given us surer data upon which to distinguish truth from illusion, and to ascertain the real circumstances of our position and power. It is upon these that the concurring opinion of the officers of the civil and military services at large having been founded, is entitled to our utmost confidence.

I have the honour to lay before Council the copy of a circular addressed to forty-nine officers, pointed out to me by the Secretary to Government in the Military Department as being from their judgement and experience the best enabled to appreciate the effect of the proposed measure upon the native army, together with their answers. For more easy reference, an abstract of each answer is annexed in a separate paper and classed with those to the same purport.

It appears first that of those whose opinions are directly adverse to all interference whatever with the practice the number is only five; secondly, of those who are favourable to abolition but averse to absolute and direct prohibition under the authority of the Government, the number is twelve;

thirdly, of those who are favourable to abolition, to be effected by the indirect interference of magistrates and other public officers, the number is eight; fourthly, of those who advocate the total immediate and public suppression of the practice, the number is twenty-four.

It will be observed, also, of those who are against an open and direct prohibition, few entertain any fear of immediate danger. They refer to a distant and undefined evil. I can conceive the possibility of the expression of dissatisfaction and anger being immediately manifested upon this supposed attack on their religious usages, but the distant danger seems to me altogether groundless, provided that perfect respect continues to be paid to all their innocent rites and ceremonies, and provided also that a kind and considerate regard be continued to their worldly interests and comforts.

I trust, therefore, that the Council will agree with me in the satisfactory nature of this statement, and that they will partake in the perfect confidence which it has given me of the expediency and safety of the abolition.

In the answer of one of the military officers, Lieutenant-Colonel Todd, he has recommended that the tax on pilgrims should be simultaneously given up, for the purpose of affording an undoubted proof of our disinterestedness and of our desire to remove every obnoxious obstacle to the gratification of their religious duties. A very considerable revenue is raised from this head, but if it were to be the price of satisfaction and confidence to the Hindus and of the renewal of all distrust of our present and future intentions, the sacrifice might be a measure of good policy. The objections that

must be entertained by all to the principle of the tax, which in England has latterly excited very great reprobation, formed an additional motive for the inquiry. I enclose a copy of a circular letter addressed to different individuals at present in charge of the district where the tax is collected, or who have had opportunities, from their local knowledge, of forming a good judgement upon this question. It will be seen that opinions vary, but upon a review of the whole my conviction is that in connexion with the present measure it is inexpedient to repeal the tax. It is a subject upon which I shall not neglect to bestow more attention than I have been able to do. An abstract of these opinions is annexed to this minute.

I have now to submit for the consideration of Council the draft of a regulation enacting the abolition of *satis*. It is accompanied by a paper containing the remarks and suggestions of the Judges of the Nizamut Adalat. In this paper is repeated the unanimous opinion of the Court in favour of the proposed measure. The suggestions of the Nizamat Adalat are in some measure at variance with a principal object I had in view, of preventing collision between the parties to the *sati* and the officers of police. It is only in the previous processes, or during the actual performance of the rite, when the feelings of all may be more or less roused to a high degree of excitement, that I apprehend the possibility of affray or of acts of violence through an indiscreet and injudicious exercise of authority. It seemed to me prudent, therefore, that the police, in the first instance, should warn and advise, but not forcibly prohibit, and if the *sati*, in defiance of this notice, were performed,

that a report should be made to the magistrate, who would summon the parties and proceed as in any other case of crime. The Indian Court appears to think these precautions unnecessary, and I hope they may be so, but in the beginning we cannot, I think, proceed with too much circumspection. Upon the same principle, in order to guard against a too hasty or severe a sentence emanating from extreme zeal on the part of the local judge, I have proposed that the case should only be cognizable by the Commissioners of circuit. These are, however, questions which I should wish to see discussed in Council. The other recommendations of the Court are well worthy of our adoption.

I have now brought this paper to a close, and I think I have redeemed my pledge of not allowing, in the consideration of this question, passion or feeling to have any part. I trust it will appear that due weight has been given to all difficulties and objections, that facts have been stated with truth and impartiality, that the conclusion to which I have come is completely borne out both by reason and authority. It may be justly asserted that the Government in this act will only be following, not preceding, the tide of public opinion long flowing in this direction; and when we have taken into consideration the experience and wisdom of that highest public tribunal, the Nizamat Adalat, who, in unison with our wisest and ablest public functionaries, have been year after year almost soliciting the Government to pass this act, the moral and political responsibility of not abolishing this practice far surpasses, in my judgement, that of the opposite course.

But discarding, as I have done, every inviting

appeal from sympathy and humanity, and having given my verdict, I may now be permitted to express the anxious feelings with which I desire the success of this measure.

The first and primary object of my heart is the benefit of the Hindus. I know nothing so important to the improvement of their future condition as the establishment of a purer morality, whatever their belief, and a more just conception of the will of God. The first step to this better understanding will be dissociation of religious belief and practice from blood and murder. They will then, when no longer under this brutalizing excitement, view with more calmness acknowledged truths. They will see that there can be no inconsistency in the ways of Providence, that to the command received as divine by all races of men, 'No innocent blood shall be spilt,' there can be no exception; and when they shall have been convinced of the error of this first and most criminal of their customs, may it not be hoped that others, which stand in the way of their improvement, may likewise pass away, and that, thus emancipated from those chains and shackles upon their minds and actions, they may no longer continue, as they have done, the slaves of every foreign conqueror, but that they may assume their first places among the great families of mankind? I disown in these remarks, or in this measure, any view whatever to conversion to our own faith. I write and feel as a legislator for the Hindus, and as I believe many enlightened Hindus think and feel.

Descending from these higher considerations, it cannot be a dishonest ambition that the Government of which I form a part should have the credit

of an act which is to wash out a foul stain upon British rule, and to stay the sacrifice of humanity and justice to a doubtful expediency ; and finally, as a branch of the general administration of the Empire, I may be permitted to feel deeply anxious that our course shall be in accordance with the noble example set to us by the British Government at home, and that the adaptation, when practicable to the circumstances of this vast Indian population, of the same enlightened principles, may promote here as well as there the general prosperity, and may exalt the character of our nation.

W. C. BENTINCK.

November 8th, 1829.

20. *Thomas Babington Macaulay, House of Commons, 10 July 1833*

HAVING, while this measure was in preparation, enjoyed the fullest and kindest confidence of my right hon. friend, agreeing with him completely in all those views which on a former occasion he so luminously and eloquently developed, having shared his anxieties, and feeling that, in some degree, I share his responsibility, I am naturally desirous to obtain the attention of the House while I attempt to defend the principles of this Bill. I wish that I could promise to be very brief ; but the subject is so extensive that I will only promise to condense what I have to say as much as I can.

I rejoice, sir, that I am completely dispensed, by the turn which our debates have taken, from the necessity of saying anything in favour of one part of our measure—the opening of the China trade. No voice, I believe, has yet been raised in Parlia-

ment to support the monopoly. On that subject all public men of all parties seem to be agreed. The resolution proposed by the Ministers has received the unanimous assent of both Houses, and the approbation of the whole kingdom. I will not, therefore, sir, detain the House by vindicating a measure which no gentleman has yet ventured to attack, but will proceed to call your attention to those effects which this great commercial revolution necessarily produced on the system of Indian government and finance.

The China trade is to be opened : reason requires this—public opinion requires it. The government of the Duke of Wellington felt the necessity as strongly as the government of Lord Grey. No Minister, Whig or Tory, could have been found to propose a renewal of the monopoly ; no parliament, reformed or unreformed, would have listened to such a proposal.—But though the opening of the trade was a matter concerning which the public had long made up its mind, the political consequences which necessarily follow from the opening of the trade, seem to me to be even now little understood. The language which I have heard in almost every circle where the subject was discussed was this : 'Take away the monopoly, and leave the government of India to the Company' : a very short and convenient way of settling one of the most complicated questions that ever a legislature had to consider. The hon. member for Sheffield, though not disposed to retain the Company as an organ of government, has repeatedly used language which proves that he shares in the general misconception. The fact is, that the abolition of the monopoly rendered it absolutely necessary to

make a fundamental change in the constitution of that great corporation.

The Company had united in itself two characters: the character of the trader, and the character of sovereign. Between the trader and the sovereign there was a long and complicated account, almost every item of which furnished matter for litigation. While the monopoly continued, indeed, litigation was averted. The effect of the monopoly was, to satisfy the claims both of commerce and of territory, at the expense of a third party—the English people; to secure on the one hand funds for the dividend of the stockholder, and on the other hand funds for the government of the Indian empire by means of a heavy tax on the tea consumed in this country. But when the third party would no longer bear this charge, all the great financial questions which had, at the cost of that third party, been kept in abeyance, were opened in an instant. The connexion between the Company in its mercantile capacity, and the same Company in its political capacity was dissolved. The sovereign and the trader, from partners, became litigants. Even if the Company were permitted, as had been suggested, to govern India, and at the same time to trade with China, it would make no advances from the profits of its Chinese trade for the support of its Indian government. It was in consideration of its exclusive privilege, that it had hitherto been required to make those advances;—it was by the exclusive privilege that it had been enabled to make them. When that privilege was taken away, it would be unreasonable in the legislature to impose such an obligation, and impossible for the Company to fulfil it. The whole system of

loans from commerce to territory, and repayments from territory to commerce must cease. Each party must rest altogether on its own resources. It was, therefore, absolutely necessary to ascertain what resources each party possessed, to bring the long and intricate account between them to a close, and to assign to each a fair portion of assets and liabilities. There was vast property. How much of that property was applicable to purposes of state ? How much was applicable to a dividend ? There were debts to the amount of many millions. Which of these were the debts of the government that ruled at Calcutta ? Which of the great mercantile house that bought tea at Canton ? Were the creditors to look to the land revenues of India for their money ; or were they entitled to put executions into the warehouses behind Bishops-gate-street ?

There were two ways of settling these questions —adjudication and compromise. The difficulties of adjudication were great—I think insuperable. Whatever acuteness and diligence could do, has been done. One person in particular whose talents and industry peculiarly fitted him for such investigations, and of whom I can never think without regret, Mr. Villiers, devoted himself to the examination with an ardour and a perseverance which, I believe, shortened a life most valuable to his country and to his friends. The assistance of the most skilful accountants has been called in. But the difficulties are such as no accountant, however skilful, could possibly remove. The difficulties are not arithmetical, but political. They arise from the constitution of the Company, from the long and intimate union of the commercial and imperial

characters in one body. Suppose that a gentleman who is the treasurer of a charity, were to mix up the money which he receives on account of the charity with his own private rents and dividends, to pay the whole into his bank to his own private account, to draw it out again by cheques in exactly the same form when he wants it for his own private expenses, and when he wants it for the purposes of his public trust. Suppose that he were to continue to act thus till he was himself ignorant whether he were in advance or in arrear; and suppose that many years after his death a question were to arise whether his estate were in debt to the charity or the charity in debt to his estate. Such is the question which is now before us—with this important difference: that the accounts of an individual could not be in such a state unless he had been guilty of fraud, or of that *crassa negligentia* which is scarcely less culpable than fraud, and that the accounts of the Company were brought into this state by circumstances of a very peculiar kind—by circumstances unparalleled in the history of the world.

It is a mistake to suppose that the Company was a merely commercial body till the middle of the last century. Commerce was its object; but in order to enable it to pursue that object, it had been, like the other Indian Companies which were its rivals, like the Dutch India Company, like the French India Company, invested from a very early period with political functions. More than 120 years ago, it was in miniature precisely what it now is. It was intrusted with the very highest prerogatives of sovereignty. It had its forts and its white captains, and its black sepoys—it had its

civil and criminal tribunals—it was authorized to proclaim martial law—it sent ambassadors to the native governments, and concluded treaties with them—it was zemindar of several districts, and within those districts, like other zemindars of the first class, it exercised the powers of a sovereign, even to the infliction of capital punishment on the Hindoos within its jurisdiction. It is incorrect, therefore, to say, that the Company was at first a mere trader, and has since become a sovereign. It was at first a great trader and a petty prince. Its political functions at first attracted little notice, because they were merely auxiliary to its commercial functions. Soon, however, they became more and more important. The zemindar became a great nabob, became sovereign of all India—the 200 sepoys became 200,000. This change was gradually wrought, and was not immediately comprehended. It was natural, that while the political functions of the Company were merely auxiliary to its commerce, its political accounts should be mixed up with its commercial accounts. It was equally natural, that when once this mode of keeping accounts had been commenced, it should go on; and the more so, as the change in the situation of the Company, though rapid, was not sudden. It is impossible to fix on any one day, or any one year, as the day or the year when the Company became a great potentate. It has been the fashion to fix on the year 1765, the year in which the Company received from the Mogul a commission authorizing them to administer the revenues of Bengal, Bahar, and Orissa, as the precise date of their sovereignty. I am utterly at a loss to understand why this period should be selected. Long

before 1765 the Company had the reality of political power. Long before that year, they made a nabob of Arcot; they made and unmade nabobs of Bengal; they humbled the vizier of Oude; they braved the emperor of Hindoostan himself. More than half the revenues of Bengal, as Lord Clive stated, were under one pretence or another administered by them. And after the grant, the Company was not, in form and name, an independent power. It was merely a minister of the court of Delhi. Its coinage bore the name of Shah Alum. The inscription which, till the time of Lord Hastings, appeared on the seal of the Governor-General declared that great functionary to be the slave of the Mogul. Even to this day, we have never formally deposed the king of Delhi. The Company contents itself with being Mayor of the palace, while the *roi fainéant* is suffered to play at being a sovereign. In fact, it was considered, both by Lord Clive, and by Warren Hastings, as a point of policy to leave the character of the Company thus undefined, in order that the English might treat the princes in whose names they governed as realities or nonentities, just as might be most convenient. . . .

In a pecuniary point of view, therefore, I conceive that we can defend the measure as it affects the territory. But to the territory, the pecuniary question is of secondary importance. If we have made a good pecuniary bargain for India, but a bad political bargain—if we have saved three or four millions to the finances of that country, and given to it, at the same time, pernicious institutions, we shall, indeed, have been practising a most ruinous parsimony. If, on the other hand, it shall

be found that we have added fifty or a hundred thousand pounds a year to the expenditure of an empire which yields a revenue of twenty millions, but that we have at the same time secured to that empire, as far as in us lies, the blessings of good government, we shall have no reason to be ashamed of our profusion. I hope and believe that India will have to pay nothing. But on the most unfavourable supposition that can be made, she will not have to pay so much to the Company, as she now pays annually to a single state pageant—to the titular Nabob of Bengal, for example, or the titular King of Delhi. What she pays to the nominal princes, who, while they did anything, did mischief, and who now do nothing, she may well submit to pay to her real rulers, if she receives from them, in return, efficient protection, and good legislation.

We come then to the great question. Is it desirable to retain the Company as an organ of government for India? I think that it is desirable. The question is, I acknowledge, beset with difficulties. We have to solve one of the hardest problems in politics. We are trying to make brick without straw—to bring a clean thing out of an unclean—to give a good government to a people to whom we cannot give a free government. In this country—in any neighbouring country—it is easy to frame securities against oppression. In Europe, you have the materials of good government everywhere ready to your hands. The people are everywhere perfectly competent to hold some share,—not in every country an equal share—but some share of political power. If the question were, what is the best mode of securing good government in Europe,

the merest smatterer in politics would answer—representative institutions. In India, you cannot have representative institutions. Of all the innumerable speculators who have offered their suggestions on Indian politics, not a single one, as far as I know, however democratical his opinions may be, has ever maintained the possibility of giving, at the present time, such institutions to India. One gentleman, extremely well acquainted with the affairs of our eastern empire, a most valuable servant of the Company, and the author of a History of India, which, though certainly not free from faults, is, I think, on the whole, the greatest historical work which has appeared in our language since that of Gibbon—I mean Mr. Mill—was examined on this point. That gentleman is well known to be a very bold and uncompromising politician. He has written strongly—far too strongly, I think—in favour of pure democracy. He has gone so far as to maintain, that no nation which has not a representative legislature, chosen by universal suffrage, enjoys security against oppression. But when he was asked before the committee of last year, whether he thought representative government practicable in India, his answer was—'utterly out of the question'. This, then, is the state in which we are. We have to frame a good government for a country into which, by universal acknowledgement, we cannot introduce those institutions which all our habits—which all the reasonings of European philosophers—which all the history of our own part of the world would lead us to consider as the one great security for good government. We have to engraft on despotism those blessings which are the natural fruits of

liberty. In these circumstances, sir, it behoves us to be cautious, even to the verge of timidity. The light of political science and of history are withdrawn—we are walking in darkness—we do not distinctly see whither we are going. It is the wisdom of a man, so situated, to feel his way, and not to plant his foot till he is well assured that the ground before him is firm.

Some things, however, in the midst of this obscurity, I can see with clearness. I can see, for example, that it is desirable that the authority exercised in this country over the Indian government should be divided between two bodies—between a minister or a board appointed by the Crown, and some other body independent of the Crown. If India is to be a dependency of England—to be at war with our enemies—to be at peace with our allies—to be protected by the English navy from maritime aggression—to have a portion of the English army mixed with its sepoys—it plainly follows, that the king, to whom the constitution gives the direction of foreign affairs, and the command of the military and naval forces, ought to have a share in the direction of the Indian government. Yet, on the other hand, that a revenue of twenty millions a year—an army of two hundred thousand men—a civil service abounding with lucrative situations—should be left to the disposal of the Crown without any check whatever, is what no minister, I conceive, would venture to propose. This House is indeed the check provided by the constitution on the abuse of the royal prerogative. But that this House is, or is likely ever to be, an efficient check on abuses practised in India, I altogether deny. We have, as I believe

we all feel, quite business enough. If we were to undertake the task of looking into Indian affairs as we look into British affairs—if we were to have Indian budgets and Indian estimates—if we were to go into the Indian currency question and the Indian Bank Charter—if to our disputes about Belgium and Holland, Don Pedro and Don Miguel, were to be added disputes about the debts of the Guicowar and the disorders of Mysore, the ex-king of the Afghans and the Maharajah Runjeet Sing—if we were to have one night occupied by the embezzlements of the Benares mint, and another by the panic in the Calcutta money-market—if the questions of suttee or no suttee, pilgrim tax or no pilgrim tax, ryotwary or zemindary, half batta or whole batta, were to be debated at the same length at which we have debated church reform and the assessed taxes, twenty-four hours a day and three hundred and sixty-five days a year would be too short a time for the discharge of our duties. The House, it is plain, has not the necessary time to settle these matters; nor has it the necessary knowledge, nor has it motives to acquire that knowledge. The late change in its constitution has made it, I believe, a much more faithful representation of the English people. But it is far as ever from being a representation of the Indian people. A broken head in Cold Bath Fields produces a greater sensation among us than three pitched battles in India. A few weeks ago we had to decide on a claim brought by an individual against the revenue of India. If it had been an English question the walls would scarcely have held the members who would have flocked to the division. It was an Indian question; and we

could scarcely by dint of supplication make a House. Even when my right hon. friend, the President of the Board of Control, made his most able and interesting statement of the measures which he intended to propose for the government of a hundred millions of human beings, the attendance was not so large as I have seen it on a turnpike-bill or a rail-road bill.

I then take these things as proved, that the Crown must have a certain authority over India, that there must be an efficient check on the authority of the Crown, and that the House of Commons is not an efficient check. We must then find some other body to perform that important office. We have such a body—the Company. Shall we discard it?

It is true, that the power of the Company is an anomaly in politics. It is strange—very strange—that a joint-stock society of traders—a society the shares of which are daily passed from hand to hand—a society, the component parts of which are perpetually changing—a society, which, judging *a priori*, from its constitution, we should have said was as little fitted for imperial functions as the Merchant Tailors' Company or the New River Company—should be intrusted with the sovereignty of a larger population, the disposal of a larger clear revenue, the command of a larger army, than are under the direct management of the executive government of the United Kingdom. But what constitution can we give to our Indian Empire which shall not be strange—which shall not be anomalous? That Empire is itself the strangest of all political anomalies. That a handful of adventurers from an island in the Atlantic should

have subjugated a vast country divided from the place of their birth by half the globe—a country which at no very distant period was merely the subject of fable to the nations of Europe—a country never before violated by the most renowned of Western conquerors—a country which Trajan never entered—a country lying beyond the point where the phalanx of Alexander refused to proceed;—that we should govern a territory 10,000 miles from us—a territory larger and more populous than France, Spain, Italy, and Germany put together—a territory the present clear revenue of which exceeds the present clear revenue of any state in the world, France excepted—a territory inhabited by men differing from us in race, colour, language, manners, morals, religion;—these are prodigies to which the world has seen nothing similar. Reason is confounded. We interrogate the past in vain. General rules are almost useless where the whole is one vast exception. The Company is an anomaly; but it is part of a system where everything is anomaly. It is the strangest of all governments: but it is designed for the strangest of all Empires.

If we discard the Company, we must find a substitute: and, take what substitute we may, we shall find ourselves unable to give any reason for believing that the body which we have put in the room of the Company is likely to acquit itself of its duties better than the Company. Commissioners appointed by the King during pleasure would be no check on the Crown; Commissioners appointed by the King or by Parliament for life would always be appointed by the political party which might be uppermost, and if a change of

administration took place, would harass the new government with the most vexatious opposition. The plan suggested by the right honourable gentleman the member for Montgomeryshire, is I think the very worst that I have ever heard. He would have Directors nominated every four years by the Crown. Is it not plain that these Directors would always be appointed from among the supporters of the Ministry for the time being—that their situations would depend on the permanence of that Ministry—that therefore all their power and patronage would be employed for the purpose of propping that Ministry, and, in case of a change, for the purpose of molesting those who might succeed to power—that they would be subservient while their friends were in, and factious when their friends were out? How would Lord Grey's Ministry have been situated if the whole body of Directors had been nominated by the Duke of Wellington in 1830? I mean no imputation on the Duke of Wellington. If the present Ministers had to nominate Directors for four years, they would, I have no doubt, nominate men who would give no small trouble to the Duke of Wellington if he were to return to office. What we want is a body independent of the government, and no more than independent—not a tool of the treasury—not a tool of the opposition. No new plan which I have heard proposed would give us such a body. The Company, strange as its constitution may be, is such a body. It is, as a corporation, neither Whig nor Tory, neither high-church, nor low-church. It cannot be charged with having been for or against the Catholic Bill, for or against the Reform Bill. It has constantly acted with a view,

not to English politics but to Indian politics. We have seen the country convulsed by faction. We have seen Ministers driven from office by this House—Parliament dissolved in anger—general elections of unprecedented turbulence—debates of unprecedented interest. We have seen the two branches of the legislature placed in direct opposition to each other. We have seen the advisers of the Crown dismissed one day, and brought back the next day on the shoulders of the people. And amidst all these agitating events the Company has preserved strict and unsuspected neutrality. This is, I think, an inestimable advantage ; and it is an advantage which we must altogether forgo, if we consent to adopt any of the schemes which I have heard proposed on the other side of the House.

We must judge of the Indian government, as of all other governments, by its practical effects. According to the hon. member for Sheffield, India is ill governed ; and the whole fault is with the Company. Innumerable accusations, great and small, are brought by him against their administration. They are fond of war. They are fond of dominion. The taxation is burthensome. The laws are undigested. The roads are rough. The post goes on foot. And for everything the Company is answerable. From the dethronement of the Mogul princes to the mishaps of Sir Charles Metcalfe's courier, every disaster that has taken place in the East during sixty years is laid to the charge of this unfortunate corporation. And the inference is, that all the power which they possess ought to be taken out of their hands, and transferred at once to the Crown.

Now, sir, it seems to me that for all the evils

which the honourable gentleman has so pathetically recounted, the Ministers of the Crown are as much to blame as the Company—nay much more so. For the Board of Control could, without the consent of the Directors, have redressed those evils: and the Directors most certainly could not have redressed them without the consent of the Board of Control. Take the case of that frightful grievance which seems to have made the deepest impression on the mind of the hon. gentleman—the slowness of the mail. Why, sir, if my right hon. friend, the President of our Board, thought fit, he might direct me to write to the Court and require them to frame a dispatch on that subject. If the Court disobeyed, he might himself frame a dispatch ordering Lord William Bentinck to put the dawks all over Bengal on horseback. If the Court refused to send out this dispatch, the Board could apply to the King's Bench for a mandamus. If, on the other hand, the Directors wished to accelerate the journeys of the mail, and the Board were adverse to the project, the Directors could do nothing at all. For all measures of internal policy the servants of the King are at least as deeply responsible as the Company. For all measures of foreign policy the servants of the King, and they alone, are responsible. I was surprised to hear the hon. gentleman accuse the Directors of insatiable ambition and rapacity, when he must know that no act of aggression on any native state can be committed by the Company without the sanction of the Board, and that in fact, the Board has repeatedly approved of warlike measures, which were strenuously opposed by the Company. He must know, in particular, that, during the energetic and splendid administration

of the Marquess Wellesley, the Company was all for peace, and the Board all for conquest. If a line of conduct which the hon. gentleman thinks unjustifiable, has been followed by the Ministers of the Crown in spite of the remonstrances of the Directors, this is surely a strange reason for turning off the Directors, and giving the whole power unchecked to the Crown.

The hon. member tells us that India, under the present system, is not so rich and flourishing as she was 200 years ago. Really, sir, I doubt whether we are in possession of sufficient data to enable us to form a judgement on that point. But the matter is of little importance. We ought to compare India under our Government, not with India under Acbar and his immediate successors, but with India as we found it. The calamities through which that country passed during the interval between the fall of the Mogul power and the establishment of the English supremacy were sufficient to throw the people back whole centuries. It would surely be unjust to say, that Alfred was a bad king because Britain, under his government, was not so rich or so civilized as in the time of the Romans.

In what state, then, did we find India? And what have we made India? We found society throughout that vast country in a state to which history scarcely furnished a parallel. The nearest parallel would perhaps be the state of Europe during the fifth century. The Mogul empire in the time of the successors of Aurungzebe, like the Roman empire in the time of the successors of Theodosius, was sinking under the vices of its internal administration, and under the assaults of barbarous invaders. At Delhi, as at Ravenna.

there was a mock sovereign, a mere pageant immured in a gorgeous state prison. He was suffered to indulge in every sensual pleasure. He was adored with servile prostrations. He assumed and bestowed the most magnificent titles. But, in fact, he was a mere puppet in the hands of some ambitious subject. While the Honorii and Augustuli of the East, surrounded by their fawning eunuchs, revelled and dozed without knowing or caring what might pass beyond the walls of their palace gardens, the provinces had ceased to respect a government which could neither punish nor protect them. Society was a chaos. Its restless and shifting elements formed themselves every moment into some new combination, which the next moment dissolved. In the course of a single generation a hundred dynasties grew up, flourished, decayed, were extinguished, were forgotten. Every adventurer who could muster a troop of horse might aspire to a throne. Every palace was every year the scene of conspiracies, treasons, revolutions, parricides. Meanwhile a rapid succession of Alarics and Attilas passed over the defenceless empire. A Persian invader penetrated to Delhi, and carried back in triumph the most precious treasures of the House of Tamerlane. The Afghan soon followed, by the same track, to glean whatever the Persian had spared. The Jauts established themselves on the Jumna. The Seiks devastated Lahore. Every part of India, from Tanjore to the Himalayas, was laid under contribution by the Mahrattas. The people were ground down to the dust by the oppressor without and the oppressor within; by the robber from whom the Nabob was unable to protect them, by the Nabob who took whatever the robber

had left to them. All the evils of despotism, and all the evils of anarchy, pressed at once on that miserable race. They knew nothing of government but its exactions. Desolation was in their imperial cities, and famine all along the banks of their broad and redundant rivers. It seemed that a few more years would suffice to efface all traces of the opulence and civilization of an earliest age.

Such was the state of India when the Company began to take part in the disputes of its ephemeral sovereigns. About eighty years have elapsed since we appeared as auxiliaries in a contest between two rival families for a sovereignty of a small corner of the Peninsula. From that moment commenced a great, a stupendous process—the reconstruction of a decomposed society. Two generations have passed away; and the process is complete. The scattered fragments of the empire of Aurungzebe have been united in an empire stronger and more closely knit together than that which Aurungzebe ruled. The power of the new sovereigns penetrates their dominions more completely, and is far more implicitly obeyed, than was that of the proudest princes of the Mogul dynasty.

It is true, that the early history of this great revolution is chequered with guilt and shame. It is true that the founders of our Indian empire too often abused the strength which they derived from superior energy and superior knowledge. It is true that with some of the highest qualities of the race from which they sprang, they combined some of the worst defects of the race over which they ruled. How should it have been otherwise? Born in humble stations, accustomed to earn a slender maintenance by obscure industry, they found

themselves transformed in a few months from clerks drudging over desks, or captains in marching regiments, into statesmen and generals, with armies at their command, with the revenues of kingdoms at their disposal, with power to make and depose sovereigns at their pleasure. They were what it was natural that men should be who had been raised by so rapid an ascent to so dizzy an eminence, profuse and rapacious, imperious and corrupt.

It is true, then, that there was too much foundation for the representations of those satirists and dramatists who held up the character of the English Nabob to the derision and hatred of a former generation. It is true that some disgraceful intrigues, some unjust and cruel wars, some instances of odious perfidy and avarice stain the annals of our Eastern empire. It is true that the duties of government and legislation were long wholly neglected or carelessly performed. It is true that, when the new rulers at length began to apply themselves in earnest to the discharge of their high functions, they committed the errors natural to rulers who were but imperfectly acquainted with the language and manners of their subjects. It is true that some measures, which were dictated by the purest and most benevolent feelings, have not been attended by the desired success. It is true that India suffers to this day from a heavy burthen of taxation, and from a defective system of law. It is true, I fear, that in those states, which are connected with us by subsidiary alliance, all the evils of oriental despotism have too frequently shown themselves in their most loathsome and destructive form.

All this is true. Yet in the history and in the present state of our Indian empire I see ample reason for exultation and for a good hope.

I see that we have established order where we found confusion. I see that the petty dynasties which were generated by the corruption of the great Mahometan empire, and which, a century ago, kept all India in constant agitation, have been quelled by one overwhelming power. I see that the predatory tribes who, in the middle of the last century, passed annually over the harvests of India with the destructive rapidity of a hurricane, have quailed before the valour of a braver and sterner race—have been vanquished, scattered, hunted to their strongholds, and either exterminated by the English sword, or compelled to exchange the pursuits of rapine for those of industry.

I look back for many years ; and I see scarcely a trace of the vices which blemished the splendid fame of the first conquerors of Bengal. I see peace studiously preserved. I see faith inviolably maintained towards feeble and dependent states, I see confidence gradually infused into the minds of suspicious neighbours. I see the horrors of war mitigated by the chivalrous and Christian spirit of Europe. I see examples of moderation and clemency, such as I should seek in vain in the annals of any other victorious and dominant nation. I see captive tyrants, whose treachery and cruelty might have excused a severe retribution, living in security, comfort, and dignity, under the protection of the government which they laboured to destroy.

I see a large body of civil and military functionaries resembling in nothing but capacity and valour those adventurers who seventy years ago came

hither, laden with wealth and infamy, to parade before our fathers the plundered treasures of Bengal and Tanjore. I reflect with pride that to the doubtful splendour which surrounds the memory of Hastings and of Clive, we can oppose the spotless glory of Elphinstone and Munro. I observe with reverence and delight the honourable poverty which is the evidence of a rectitude firmly maintained amidst strong temptations. I rejoice to see my countrymen, after ruling millions of subjects, after commanding victorious armies, after dictating terms of peace at the gates of hostile capitals, after administering the revenues of great provinces, after judging the causes of wealthy zemindars, after residing at the Courts of tributary kings, return to their native land with no more than a decent competence.

I see a government anxiously bent on the public good. Even in its errors I recognize a paternal feeling towards the great people committed to its charge. I see toleration strictly maintained. Yet I see bloody and degrading superstitions gradually losing their power. I see the morality, the philosophy, the taste of Europe, beginning to produce a salutary effect on the hearts and understandings of our subjects. I see the public mind of India, that public mind which we found debased and contracted by the worst forms of political and religious tyranny, expanding itself to just and noble views of the ends of government and of the social duties of man.

I see evils: but I see the Government actively employed in the work of remedying those evils. The taxation is heavy; but the work of retrenchment is unsparingly pursued. The mischiefs arising

from the system of subsidiary alliance are great: but the rulers of India are fully aware of those mischiefs, and are engaged in guarding against them. Wherever they now interfere for the purpose of supporting a native government, they interfere also for the purpose of reforming it.

Seeing these things, then, am I prepared to discard the Company as an organ of government? I am not. Assuredly I will never shrink from innovation where I see reason to believe that innovation will be improvement. That the present Government does not shrink from innovations which it considers as improvements, the measure now before the House sufficiently shows. But surely the burthen of the proof lies on the innovators. They are bound to lay some ground; to show that there is a fair probability of obtaining some advantage before they call upon us to take up the foundations of the Indian government. I have no superstitious veneration for the Court of Directors or the Court of Proprietors. Find me a better Council: find me a better constituent body: and I am ready for a change. But of all the substitutes for the Company which have hitherto been suggested, not one has been proved to be better than the Company; and most of them I could, I think, easily prove to be worse. Circumstances might force us to hazard a change. If the Company were to refuse to accept of the government unless we would grant pecuniary terms which I thought extravagant, or unless we gave up the clauses in this Bill which permit Europeans to hold landed property, and natives to hold office, I would take them at their word. But I will not discard them in the mere rage of experiment.

Do I call the government of India a perfect government? Very far from it. No nation can be perfectly well governed till it is competent to govern itself. I compare the Indian government with other governments of the same class, with despotisms, with military despotisms, with foreign military despotisms; and I find none that approaches it in excellence. I compare it with the government of the Spanish colonies—and I am proud of my country and my age. Here are a hundred millions of people under the absolute rule of a few strangers, differing from them physically—differing from them morally—mere Mamelukes, not born in the country which they rule, not meaning to lay their bones in it. If you require me to make this government as good as that of England, France, or the United States of America, I own frankly that I can do no such thing. Reasoning *a priori*, I should have come to the conclusion that such a government must be horrible tyranny. It is a source of constant amazement to me that it is so good as I find it to be. I will not, therefore, in a case in which I have neither principles nor precedents to guide me, pull down the existing system on account of its theoretical defects. For I know that any system which I could put in its place would be equally condemned by theory, while it would not be equally sanctioned by experience.

Some change in the constitution of the Company was, as I have shown, rendered inevitable by the opening of the China trade; and it was the duty of the Government to take care that the change should not be prejudicial to India. There were many ways in which the compromise between

commerce and territory might have been effected. We might have taken the assets, and paid a sum down, leaving the Company to invest that sum as they chose. We might have offered English security with a lower interest. We might have taken the course which the late Government designed to take. We might have left the Company in possession of the means of carrying on its trade in competition with private merchants. My firm belief is, that, if this course had been taken, the Company must, in a very few years, have abandoned the trade or the trade would have ruined the Company. It was not, however, solely or principally by regard for the interest of the Company, or of the English merchants generally, that the Government was guided on this occasion. The course which appeared to us the most likely to promote the interests of our Eastern empire was to make the proprietors of India stock creditors of the Indian territory. Their interest will thus be in a great measure the same with the interest of the people whom they are to rule. Their income will depend on the revenues of their empire. The revenues of their empire will depend on the manner in which the affairs of that empire are administered. We furnish them with the strongest motives to watch over the interests of the cultivator and the trader, to maintain peace, to carry on with vigour the work of retrenchment, to detect and punish extortion and corruption. Though they live at a distance from India—though few of them have ever seen or may ever see the people whom they rule—they will have a great stake in the happiness of their subjects. If their misgovernment should produce disorder in the finances, they will themselves feel the effects of

that disorder in their own household expenses. I believe this to be, next to a representative constitution the constitution which is the best security for good government. A representative constitution India cannot at present have. And we have, therefore, I think, given her the best constitution of which she is capable.

One word as to the new arrangement which we propose with respect to the patronage. It is intended to introduce the principle of competition in the disposal of writerships; and from this change I cannot but anticipate the happiest results. The civil servants of the Company are undoubtedly a highly respectable body of men; and, in that body, as in every large body, there are some persons of very eminent ability. I rejoice most cordially to see this. I rejoice to see that the standard of morality is so high in England, that intelligence is so generally diffused through England, that young persons who are taken from the mass of society, by favour and not by merit, and who are therefore only fair samples of the mass, should, when placed in situations of high importance, be so seldom found wanting. But it is not the less true, that India is entitled to the service of the best talents which England can spare. That the average of intelligence and virtue is very high in this country, is matter for honest exultation. But it is no reason for employing average men where you can obtain superior men. Consider too, sir, how rapidly the public mind of India is advancing, how much attention is already paid by the higher classes of the natives to those intellectual pursuits on the cultivation of which the superiority of the European race to the rest of mankind principally depends.

Surely, under such circumstances, from motives of selfish policy, if from no higher motive, we ought to fill the Magistracies of our Eastern Empire with men who may do honour to their country—with men who may represent the best part of the English nation. This, sir, is our object; and we believe, that by the plan which is now proposed this object will be attained. It is proposed that for every vacancy in the civil service four candidates shall be named, and the best candidate elected by examination. We conceive that, under this system, the persons sent out will be young men above par—young men superior either in talents or in diligence to the mass. It is said, I know, that examinations in Latin, in Greek and in mathematics are no tests of what men will prove to be in life. I am perfectly aware that they are not infallible tests; but that they are tests I confidently maintain. Look at every walk of life—at this House—at the other House—at the Bar—at the Bench—at the Church—and see whether it be not true, that those who attain high distinction in the world are generally men who were distinguished in their academic career. Indeed, sir, this objection would prove far too much even for those who use it. It would prove, that there is no use at all in education. Why should we put boys out of their way? Why should we force a lad, who would much rather fly a kite or trundle a hoop, to learn his Latin Grammar? Why should we keep a young man to his Thucydides or his Laplace, when he would much rather be shooting? Education would be mere useless torture, if, at two or three and twenty, a man who has neglected his studies were exactly on a par with a man who has applied himself to them—exactly as likely

to perform all the offices of public life with credit to himself and with advantage to society. Whether the English system of education be good or bad is not now the question. Perhaps I may think that too much time is given to the ancient languages and to the abstract sciences. But what then? Whatever be the languages—whatever be the sciences, which it is, in any age or country, the fashion to teach, those who become the greatest proficients in those languages, and those sciences, will generally be the flower of youth—the most acute—the most industrious—the most ambitious of honourable distinctions. If the Ptolemaic system were taught at Cambridge, instead of the Newtonian, the senior wrangler would nevertheless be in general a superior man to the wooden spoon. If, instead of learning Greek, we learned the Cherokee, the man who understood the Cherokee best, who made the most correct and melodious Cherokee verses—who comprehended most accurately the effect of the Cherokee particles—would generally be a superior man to him who was destitute of these accomplishments. If astrology were taught at our Universities, the young men who cast nativities best would generally turn out a superior man. If alchymy were taught, the young man who showed most activity in the pursuit of the philosopher's stone, would generally turn out a superior man.

I will only add one other observation on this subject. Although I am inclined to think that too much attention is paid in the education of English gentlemen to the dead languages, I conceive, that when you are choosing young men to fill situations for which the very first and most indispensable

qualification is familiarity with foreign languages, it would be difficult to find a better test of their fitness than their classical acquirements.

Some persons have expressed doubts as to the possibility of procuring fair examinations. I am quite sure, that no person who has been either at Cambridge or at Oxford can entertain such doubts. I feel, indeed, that I ought to apologize for even noticing an objection so frivolous.

Next to the opening of the China trade, the change most eagerly demanded by the English people was, that the restrictions on the admission of Europeans to India should be removed. In this measure, there are undoubtedly very great advantages. The chief advantage is, I think, the improvement which the minds of our native subjects may be expected to derive from free intercourse with a people far advanced beyond themselves in intellectual cultivation. I cannot deny, however, that the advantages of this great change are attended with some danger.

The danger is that the new comers, belonging to the ruling nation, resembling in colour, in language, in manner, those who hold supreme military and political power, and differing in all these respects from the great mass of the population, may consider themselves as a superior class, and may trample on the indigenous race. Hitherto there have been strong restraints on Europeans resident in India. Licences were not easily obtained. Those residents who were in the service of the Company had obvious motives for conducting themselves with propriety. If they incurred the serious displeasure of the Government, their hopes of promotion were blighted. Even those, who were not in

the public service, were subject to the formidable power which the Government possessed of banishing them at its pleasure.

The licence of the Government will now no longer be necessary to persons who desire to reside in the settled provinces of India. The power of arbitrary deportation is withdrawn. Unless, therefore, we mean to leave the natives exposed to the tyranny and insolence of every profligate adventurer who may visit the East, we must place the European under the same power which legislates for the Hindoo. No man loves political freedom more than I. But a privilege enjoyed by a few individuals in the midst of a vast population who do not enjoy it, ought not to be called freedom. It is tyranny. In the West Indies I have not the least doubt that the existence of the trial by jury and of legislative assemblies has tended to make the condition of the slaves worse than it would otherwise have been. Or, to go to India itself for an instance, though I fully believe that a mild penal code is better than a severe penal code, the worst of all systems was surely that of having a mild code for the Brahmins, who sprang from the head of the Creator, while there was a severe code for the Sudras, who sprang from his feet. India has suffered enough already from the distinction of castes, and from the deeply rooted prejudices which those distinctions have engendered. God forbid that we should inflict on her the curse of a new caste, that we should send her a new breed of Brahmins, authorized to treat all the native population as Parias!

With a view to the prevention of this evil, we propose to give to the supreme Government the

power of legislating for Europeans as well as for natives. We propose that the regulations of the Government shall bind the King's Court as they bind all other Courts, and that registration by the judges of the King's Court shall no longer be necessary to give validity to those regulations within the towns of Calcutta, Madras, and Bombay.

I could scarcely, sir, believe my ears when I heard this part of our plan condemned in another place. I should have thought, that it would have been received with peculiar favour in that quarter where it has met with the most severe condemnation. What, at present, is the case? If the Supreme Court and the Government differ on a question of jurisdiction, or of legislation within the towns which are the seats of government, there is absolutely no umpire but the Imperial Parliament. The device of putting one wild elephant between two tame ones was ingenious; but it may not always be practicable. Suppose a tame elephant between two wild ones, or suppose, that the whole herd should run wild together. The thing is not without example. And is it not most unjust and ridiculous that on one side of a ditch the edict of the Governor-General should have the force of law, and on the other side it should be of no effect unless registered by the judges of the Supreme Court? If the registration be a security for good legislation, we are bound to give that security to all classes of our subjects. If the registration be not a security for good legislation, why require it? Why give it to a million of them, and withhold it from the other ninety-nine millions? Is the system good? Extend it. Is it bad? Abolish it. But in the name of common sense do not leave it as it is. It is as

absurd as our old law of sanctuary. The system of imprisonment for debt may be good or bad. But no man in his senses can approve of the ancient system under which a debtor who might be arrested in Fleet Street was safe as soon as he had scampered into Whitefriars. Just in the same way, doubts may fairly be entertained about the expediency of allowing four or five persons to make laws for India; but to allow them to make laws for all India without the Mahratta ditch, and to except Calcutta, is the height of absurdity.

I say, therefore, either enlarge the power of the Supreme Court and give it a general veto on laws, or enlarge the power of the Government, and make its regulations binding on all Courts without distinction. The former course no person has ventured to propose. To the latter course objections have been made,—but objections which to me, I must own, seem altogether frivolous. It is acknowledged, that of late years inconvenience has arisen from the relation in which the Supreme Court stands to the Government. But, it is said, that Court was originally instituted for the protection of natives against Europeans. The wise course would, therefore, be to restore its original character.

Now, sir, the fact is, that the Supreme Court has never been so mischievous as during the first ten years of its power, or so respectable as it has lately been. Everybody who knows anything of its early history knows, that for a considerable time after its institution, it was the terror of Bengal, the scourge of native informants, the screen of European delinquents, a convenient tool of the Government for all purposes of evil, an insurmountable obstacle to the Government in all undertakings

for the public good;—that its proceedings were made up of pedantry, cruelty, and corruption;—that its disputes with the Government were at one time on the point of breaking up the whole fabric of society; and that a convulsion was averted only by the dexterous policy of Warren Hastings, who at last bought off the opposition of the Chief Justice for £8,000 a year. It is notorious, that while the Supreme Court opposed Hastings in all his best measures, it was a thorough-going accomplice in his worst—that it took part in the most scandalous of those proceedings which fifty years ago roused the indignation of Parliament and of the country—that it assisted in the spoliation of the princesses of Oude—that it passed sentence of death on Nuncomar. And this is the Court which we are to restore from its present state of degeneracy to its original purity. This is the protection which we are to give to the natives against the Europeans. Sir, so far is it from being true that the character of the Supreme Court has deteriorated, that it has perhaps improved more than any other institution in India. But the evil lies deep in the nature of the institution itself. The judges have in our time deserved the greatest respect. Their judgement and integrity have done much to mitigate the vices of the system. The worst charge that can be brought against any of them is that of pertinacity—disinterested, conscientious pertinacity—in error. The real evil is the state of the law. You have two supreme powers in India. There is no arbitrator except a legislature ten thousand miles off. Such a system is on the face of it an absurdity in politics. My wonder is, not that this system has several times been on the

point of producing fatal consequences to the peace and resources of India,—these, I think, are the words in which Warren Hastings describes the effect of the contest between his Government and the judges—but that it has not actually produced such consequences. The most distinguished members of the Indian Government—the most distinguished judges of the Supreme Court—call upon you to reform this system. Sir Charles Metcalfe, Sir Charles Grey, represent with equal urgency the expediency of having one single paramount council armed with legislative power. The admission of Europeans to India renders it absolutely necessary not to delay our decision. The effect of that admission would be to raise a hundred questions—to produce a hundred contests between the council and the judicature. The Government would be paralysed at the precise moment at which all its energy was required. While the two equal powers were acting in opposite directions, the whole machine of the State would stand still. The Europeans would be uncontrolled; the natives would be unprotected. The consequences I will not pretend to foresee. Everything beyond is darkness and confusion.

Having given to the Government supreme legislative power we next propose to give to it for a time the assistance of a commission for the purpose of digesting and reforming the laws of India, so that those laws may, as soon as possible, be formed into a code. Gentlemen, of whom I wish to speak with the highest respect, have expressed a doubt whether India be at present in a fit state to receive a benefit which is not yet enjoyed by this free and highly civilized country. Sir, I can allow

to this argument very little weight beyond that which it derives from the personal authority of those who use it. For, in the first place, our freedom and our high civilization render this improvement, desirable as it must always be, less indispensably necessary to us than to our Indian subjects: and in the next place our freedom and civilization, I fear, render it far more difficult for us to obtain this benefit for ourselves than to bestow it on them.

I believe that no country ever stood so much in need of a code of laws as India, and I believe also that there never was a country in which the want might so easily be supplied. I said, that there were many points of analogy between the state of that country after the fall of the Mogul power, and the state of Europe after the fall of the Roman Empire. In one respect the analogy is very striking. As in Europe then, so in India now, there are several systems of law widely differing from each other, but co-existing and co-equal. The indigenous population has its own laws. Each of the successive races of conquerors has brought with it its own peculiar jurisprudence: the Mussulman his Koran and its innumerable commentators—the Englishman his statute-book, and his term reports. As there were established in Italy, at one and the same time, the Roman law, the Lombard law, the Ripuarian law, the Bavarian law, and the Salic law, so we have now in our Eastern empire Hindoo law, Mahometan law, Parsee law, English law, perpetually mingling with each other, and disturbing each other; varying with the person, varying with the place. In one and the same cause the process and pleadings are in the fashion of one nation, the

judgement is according to the laws of another. An issue is evolved according to the rules of Westminster, and decided according to those of Benares. The only Mahometan book in the nature of a code is the Koran;—the only Hindoo book the Institutes. Everybody who knows those books, knows that they provide for a very small part of the cases which must arise in every community. All beyond them is comment and tradition. Our regulations in civil matters do not define rights; they merely establish remedies. If a point of Hindoo law arises, the judge calls on the Pundit for an opinion. If a point of Mahometan law arises, the judge applies to the Cauzee. What the integrity of these functionaries is, we may learn from Sir William Jones. That eminent man declared, that he could not answer it to his conscience to decide any point of law on the faith of a Hindoo expositor. Sir Thomas Strange confirms this declaration. Even if there were no suspicion of corruption on the part of the interpreters of the law, the science which they profess is in such a state of confusion that no reliance can be placed on their answers. Sir Francis Macnaghten tells us, that it is a delusion to fancy that there is any known and fixed law under which the Hindoo people live; that texts may be produced on any side of any question; that expositors equal in authority perpetually contradict each other; that the obsolete law is perpetually confounded with the law actually in force, and that the first lesson to be impressed on a functionary who has to administer Hindoo law is, that it is vain to think of extracting certainty from the books of the jurists. The consequence is, that in practice the decisions of the tribunals are

altogether arbitrary. What is administered is not law, but a kind of rude and capricious equity. I asked an able and excellent judge lately returned from India how one of our Zillah Courts would decide several legal questions of great importance—questions not involving considerations of religion or of caste—mere questions of commercial law. He told me, that it was a mere lottery. He knew how he should himself decide them. But he knew nothing more. I asked a most distinguished civil servant of the Company, with reference to the clause in this act abolishing slavery, whether at present, if a dancing girl ran away from her master, the judge would force her to go back. 'Some judges', he said, 'send a girl back; others set her at liberty. The whole is a mere matter of temper of the individual judge.'

Even in this country, we have had complaints of judge-made law; even in this country, where the standard of morality is higher than in almost any other part of the world—where, during several generations not one depository of our legal traditions has incurred the suspicion of personal corruption—where there are popular institutions—where every decision is watched by a shrewd and learned audience—where there is an intelligent and observant public—where every remarkable case is fully reported in a hundred newspapers—where, in short, there is everything which can mitigate the evils of such a system. But judge-made law, where there is an absolute government and a lax morality—where there is no bar and no public—is a curse and a scandal not to be endured. It is time that the magistrate should know what law he is to administer—that the subject should

know under what law he is to live. We do not mean that all the people of India should live under the same law: far from it: there is not a word in the Bill—there was not a word in my right hon. friend's speech—susceptible of such an interpretation. We know how desirable that object is; but we also know that it is unattainable. We know that respect must be paid to feelings generated by differences of religion, of nation, and of caste. Much, I am persuaded, may be done to assimilate the different systems of law without wounding those feelings. But, whether we assimilate those systems or not, let us ascertain them, let us digest them. We propose no rash innovation; we wish to give no shock to the prejudices of any part of our subjects. Our principle is simply this—uniformity where you can have it—diversity where you must have it—but in all cases certainty.

As I believe that India stands more in need of a code than any other country in the world, I believe also that there is no country on which that great benefit can more easily be conferred. A code is almost the only blessing—perhaps it is the only blessing which absolute governments are better fitted to confer on a nation than popular governments. The work of digesting a vast and artificial system of unwritten jurisprudence, is far more easily performed, and far better performed by few minds than by many—by a Napoleon than by a Chamber of Deputies and a Chamber of Peers—by a government like that of Prussia or Denmark, than by a government like that of England. A quiet knot of two or three veteran jurists is an infinitely better machinery for such a purpose than a large popular assembly divided, as such assemblies

almost always are, into adverse factions. This seems to me, therefore, to be precisely that point of time at which the advantages of a complete written code of laws may most easily be conferred on India. It is a work which cannot be well performed in an age of barbarism—which cannot without great difficulty be performed in an age of freedom. It is the work which especially belongs to a government like that of India—to an enlightened and paternal despotism.

I have detained the House so long, sir, that I will defer what I had to say on some parts of this measure—important parts, indeed, but far less important, as I think, than those to which I have adverted, till we are in committee. There is, however, one part of the Bill on which, after what has recently passed elsewhere, I feel myself irresistibly impelled to say a few words. I allude to that wise, that benevolent, that noble clause, which enacts that no native of our Indian empire shall, by reason of his colour, his descent, or his religion, be incapable of holding office. At the risk of being called by that nickname which is regarded as the most approbrious of all nicknames, by men of selfish hearts and contracted minds—at the risk of being called a philosopher—I must say that, to the last day of my life, I shall be proud of having been one of those who assisted in the framing of the Bill which contains that clause. We are told that the time can never come when the natives of India can be admitted to high civil and military office. We are told that this is the condition on which we hold our power. We are told, that we are bound to confer on our subjects—every benefit which they are capable of enjoying ;—no—which

it is in our power to confer on them;—no—but which we can confer on them without hazard to our own domination. Against that proposition I solemnly protest as inconsistent alike with sound policy and sound morality. . . .

The destinies of our Indian empire are covered with thick darkness. It is difficult to form any conjecture as to the fate reserved for a state which resembles no other in history, and which forms by itself a separate class of political phenomena. The laws which regulate its growth and its decay are still unknown to us. It may be that the public mind of India may expand under our system till it has outgrown that system; that by good government we may educate our subjects into a capacity for better government; that, having become instructed in European knowledge, they may, in some future age, demand European institutions. Whether such a day will ever come I know not. But never will I attempt to avert or to retard it. Whenever it comes, it will be the proudest day in English history. To have found a great people sunk in the lowest depths of slavery and superstition, to have so ruled them as to have made them desirous and capable of all the privileges of citizens, would indeed be a title to glory all our own. The sceptre may pass away from us. Unforeseen accidents may derange our most profound schemes of policy. Victory may be inconstant to our arms. But there are triumphs which are followed by no reverses. There is an empire exempt from all natural causes of decay. Those triumphs are the pacific triumphs of reason over barbarism; that empire is the imperishable empire of our arts and our morals, our literature and our laws.

21. *Government of India Act, 1833 (3 & 4 Will. 4, c. 85).*

III. Provided always, and be it enacted, that from and after the said twenty-second day of April one thousand eight hundred and thirty-four the exclusive right of trading with the Dominions of the Emperor of China, and of trading in tea,[1] continued to the said Company by the said Act of the fifty-third year of King George the Third, shall cease.

IV. And be it enacted, that the said Company shall, with all convenient speed after the said twenty-second day of April one thousand eight hundred and thirty-four, close their commercial business, and make sale of all their merchandize and effects at home and abroad, distinguished in their account books as commercial assets, and all their warehouses, lands, tenements, hereditaments, and property whatsoever which may not be retained for the purposes of the Government of the said territories, and get in all debts due to them on account of the commercial branch of their affairs, and reduce their commercial establishments as the same shall become unnecessary, and discontinue and abstain from all commercial business which shall not be incident to the closing of their actual concerns, and to the conversion into money of the property hereinbefore directed to be sold, or which shall not be carried on for the purposes of the said Government.

XXXIX. And be it enacted, that the super-

[1] 53 Geo. 3, c. 155.

intendence, direction, and control of the whole civil and military Government of all the said territories and revenues in India shall be and is hereby invested in a Governor-General and Counsellors, to be styled 'The Governor General of India in Council.'

XL. And be it enacted, that there shall be four ordinary members of the said Council, three of whom shall from time to time be appointed by the said Court of Directors from amongst such persons as shall be or shall have been servants of the said Company; and each of the said three ordinary members of Council shall at the time of his appointment have been in the service of the said Company for at least ten years; and if he shall be in the military service of the said Company, he shall not during his continuance in office as a member of Council hold any military command, or be employed in actual military duties; and that the fourth ordinary member of Council shall from time to time be appointed from amongst persons who shall not be servants of the said Company by the said Court of Directors, subject to the approbation of His Majesty, to be signified in writing by his royal Sign Manual, countersigned by the President of the said Board;[1] provided that such last-mentioned Member of Council shall not be entitled to sit or vote in the said Council except at meetings thereof for making laws and regulations; and it shall be lawful for the said Court of Directors to appoint the Commander-in-Chief of the Company's forces in India, and if there shall be no such Commander-in-Chief, or the offices of such Commander-in-Chief and of Governor-General of

[1] That is, the Board of Control; see above, pp. 96, 97.

India shall be vested in the same person, then the Commander-in-Chief of the forces on the Bengal establishment, to be an extraordinary member of the said Council, and such extraordinary member of Council shall have rank and precedence at the Council Board, next after the Governor-General.

XLI. And be it enacted, that the person who shall be Governor-General of the Presidency of Fort William in Bengal on the twenty-second day of April one thousand eight hundred and thirty four shall be the first Governor-General of India under this act, and such persons as shall be members of Council of the same Presidency on that day shall be respectively members of the Council constituted by this Act.

XLII. And be it enacted, that all vacancies happening in the office of Governor-General of India shall from time to time be filled up by the said Court of Directors, subject to the approbation of His Majesty, to be signified in writing by his royal Sign Manual, countersigned by the President of the said Board.

XLIII. And be it enacted, that the said Governor-General in Council shall have power to make laws and regulations for repealing, amending, or altering any laws or regulations whatever now in force or hereafter to be in force in the said territories or any part thereof, and to make laws and regulations for all persons, whether British or native, foreigners or others, and for all courts of justice, whether established by His Majesty's charters or otherwise, and the jurisdictions thereof, and for all places and things whatsoever within and throughout the whole and every part of the said territories, and for all servants of the said

Company within the dominions of princes and states in alliance with the said Company; save and except that the said Governor-General in Council shall not have the power of making any laws or regulations which shall in any way repeal, vary, suspend, or affect any of the provisions of this act, or any of the provisions of the acts for punishing mutiny and desertion of officers and soldiers, whether in the service of His Majesty or the said Company, or any provisions of any act hereafter to be passed in anywise affecting the said Company or the said territories or the inhabitants thereof, or any laws or regulations which shall in any way affect any prerogative of the Crown, or the authority of Parliament, or the constitution or rights of the said Company, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the said Crown over any part of the said territories.

LI. Provided always, and be it enacted, that nothing herein contained shall extend to affect in any way the right of Parliament to make laws for the said territories and for all the inhabitants thereof; and it is expressly declared that a full, complete, and constantly existing right and power is intended to be reserved to Parliament to control, supersede, or prevent all proceedings and acts whatsoever of the said Governor-General in Council, and to repeal and alter at any time any law or regulation whatsoever made by the said Governor-General in Council, and in all respects to

legislate for the said territories and all the inhabitants thereof in as full and ample a manner as if this Act had not been passed; and the better to enable Parliament to exercise at all times such right and power, all laws and regulations made by the said Governor-General in Council shall be transmitted to England, and laid before both Houses of Parliament, in the same manner as is now by law provided concerning the rules and regulations made by the several governments in India.

LII. And be it enacted, that all enactments, provisions, matters, and things relating to the Governor-General of Fort William in Bengal in Council and the Governor-General of Fort William in Bengal alone, respectively, in any other act or acts contained, so far as the same are now in force, and not repealed by or repugnant to the provisions of this act, shall continue and be in force and be applicable to the Governor-General of India in Council, and to the Governor-General of India alone, respectively.

LIII. And whereas it is expedient that, subject to such special arrangements as local circumstances may require, a general system of judicial establishments and police, to which all persons whatsoever, as well Europeans as natives, may be subject, should be established in the said territories at an early period, and that such laws as may be applicable in common to all classes of the inhabitants of the said territories, due regard being had to the rights, feelings, and peculiar usages of the people, should be enacted, and that all laws and customs having the force of law within the same territories should be ascertained and consolidated, and as

occasion may require amended; be it therefore enacted, that the said Governor-General of India in Council shall, as soon as conveniently may be after the passing of this act, issue a commission, and from time to time commissions, to such persons as the said Court of Directors, with the approbation of the said Board of Commissioners, shall recommend for that purpose, and to such other persons, if necessary, as the said Governor-General in Council shall think fit, all such persons, not exceeding in the whole at any one time five in number, and to be styled 'the Indian Law Commissioners', with all such powers as shall be necessary for the purposes hereinafter mentioned; and the said Commissioners shall fully inquire into the jurisdiction, powers, and rules of the existing Courts of Justice and police establishments in the said territories, and all existing forms of judicial procedure, and into the nature and operation of all law, whether civil or criminal, written or customary, prevailing and in force in any part of the said territories, and whereto any inhabitants of the said territories, whether Europeans or others, are now subject: and the said Commissioners shall from time to time make reports, in which they shall fully set forth the result of their said inquiries, and shall from time to time suggest such alterations as may in their opinion be beneficially made in the said Courts of Justice and police establishments, forms of judicial procedure and laws, due regard being had to the distinction of castes, difference of religion, and the manners and opinions prevailing among different races and in different parts of the said territories.

LXXXI. And be it enacted, that it shall be lawful for any natural-born subjects of His Majesty to proceed by sea to any port or place having a Custom-house establishment within the said territories, and to reside thereat, or to proceed to and reside in or pass through any part of such of the said territories as were under the Government of the said Company on the first day of January one thousand eight hundred, and in any part of the countries ceded by the Nabob of the Carnatic, of the Province of Cuttack, and of the settlements of Singapore and Malacca, without any licence whatever; provided that all subjects of His Majesty not natives of the said territories shall, on their arrival in any part of the said territories from any port or place not within the said territories, make known in writing their names, places of destination, and objects of pursuit in India, to the chief officer of the Customs or other officer authorized for that purpose at such port or place as aforesaid.

LXXXV. And whereas the removal of restrictions on the intercourse of Europeans with the said territories will render it necessary to provide against any mischief or dangers that may arise therefrom, be it therefore enacted, that the said Governor-General in Council shall and he is hereby required, by law or regulations, to provide with all convenient speed for the protection of the natives of the said territories from insult and outrage in their persons, religions, or opinions.

LXXXVII. And be it enacted, that no native of the said territories, nor any natural-born

subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, or employment under the said Company.

CIII. And whereas it is expedient to provide for the due qualifications of persons to be employed in the Civil Service of the said Company in the said territories, be it therefore enacted, that the said Governor-General of India in Council shall as soon as may be after the first day of January in every year, make and transmit to the said Court of Directors a prospective estimate of the number of persons, who in the opinion of the said Governor-General in Council, will be necessary, in addition to those already in India or likely to return from Europe, to supply the expected vacancies in the civil establishments of the respective governments in India in such one of the subsequent years as shall be fixed in the rules and regulations hereinafter mentioned; and it shall be lawful for the said Board of Commissioners to reduce such estimate, so that the reasons for such reduction be given to the said Court of Directors; and in the month of June in every year, if the said estimate shall have been then received by the said Board, and if not, then within one month after such estimate shall have been received, the said Board of Commissioners shall certify to the said Court of Directors what number of persons shall be nominated as candidates for admission, and what number of students shall be admitted to the College of the said Company at Haileybury in the then current year, but so that at least four such candidates, no one of whom shall be under the age of seventeen

or above the age of twenty years, be nominated, and no more than one student admitted for every such expected vacancy in the said civil establishments, according to such estimate or reduced estimate as aforesaid ; and it shall be lawful for the said Court of Directors to nominate such a number of candidates for admission to the said College as shall be mentioned in the Certificate of the said Board ; and if the said Court of Directors shall not within one month after the receipt of such Certificate nominate the whole number mentioned therein, it shall be lawful for the said Board of Commissioners to nominate so many as shall be necessary to supply the deficiency.

CV. And be it enacted, that the said Candidates for admission to the said College shall be subjected to an examination in such branches of knowledge and by such examiners as the said Board shall direct, and shall be classed in a list to be prepared by the examiners, and the Candidates whose names shall stand highest in such list shall be admitted by the said Court as students in the said College until the number to be admitted for that year, according to the Certificate of the said Board, be supplied.

22. *Sir Charles Napier on the Occupation of Scinde, 17 October 1842*

1. It is not for me to consider how we came to occupy Scinde, but to consider the subject as it now stands, viz. we are here by right of treaties[1] entered into by the Ameers, and, therefore we stand on the same footing with themselves, for

[1] In 1832 and 1839.

rights held under a treaty are as sacred as the right which sanctions that treaty.

2. There does not appear any public protest registered by the Ameers against the treaties. They must, therefore, be considered as the free expressions of the will of the contracting parties. Such then is the relative position of the British Government and the Ameers of Scinde at this time.

3. The English occupy Shikarpore, Bukkur, Sukkur, and Kurachee, by treaties, which, if rigidly adhered to by the Ameers, would render these princes more rich and powerful, and their subjects more happy, than they are now.

4. If sticklers for abstract rights maintain—as no doubt they will—that to prevent a man from doing mischief is to enslave him, then it might be called hard to enforce a rigid observance of these treaties; but this is not the case. The evident object of these treaties is to favour our Indian interests, by the abolition of barbarism, by ameliorating the condition of society, and by obliging the Ameers to do, in compliance with treaties, that which honourable and civilized rulers would do of their own accord. It is very necessary to keep this fact in view, because, although the desire to do good would not sanction a breach of treaty on our part, it does sanction our exacting a rigid adherence to the treaties on the part of the Ameers; and the more so, that their attempt to break such treaties, evinces the barbarism of those princes, their total want of feeling for their subjects, and their own unfitness to govern a country. These things must be always kept before the mind, or what I am about to say will appear unjust, which is not the case.

5. By treaty, the time for which we may occupy our present camps is unlimited ; but there is such hostility to us on the part of the Ameers—such a hatred to the treaties—such a resolution to break them in every way ; there is, among their people, such a growing attachment to the British rule, that putting these facts together, the question arises, whether we should abandon the interests of humanity, and those of the British Government (for in this case they are one), and at once evacuate Scinde ; or, shall we take advantage of existing treaties and maintain our camps permanently ?

6. If we evacuate this country, future events will inevitably bring us back to the banks of the Indus.

7. If we remain, our camps will soon be filled with the subjects of the Ameers, flying from their oppression. These camps will thus quickly grow into towns, and the people within will carry on a transit trade along the Indus, to the exclusion of the subjects of the Ameers without. Among the latter, misery and poverty will sojourn ; for the exactions of the Ameers will, in a great measure destroy both commerce and agriculture among their people. Such appears to be the probable result, if we adhere rigidly to the Treaty, and permanently occupy our camps.

8. This produces another question, viz. is it possible that such a state of things can long continue ? A Government hated by its subjects, despotic, hostile alike to the interests of the English and of its own people ; a Government of low intrigue, and, above all so constituted that it must, in a few years, fall to pieces by the vice of its own construction ; will such a government, I ask, not

maintain an incessant petty hostility against us? Will it not incessantly commit breaches of treaties—those treaties by which alone we have any right to remain in this country, and therefore must rigidly uphold? I conceive that such a state of political relations could not last, and that the more powerful government would at no very distant period swallow up the weaker.

9. If this reasoning be correct, would it not be better to come to the results at once? I think it would be better if it can be done with honesty. Let me first consider how we might go to work in a matter so critical, and whether the facts, to which I called your attention in a former part of these observations, will bear me out in what I propose.

10. Several Ameers have broken the Treaty in the various instances stated in the accompanying 'Return of Complaints' against them. I have maintained that we want only a fair pretext to coerce the Ameers, and I think the various acts recorded in the return give abundant reason to take Kurachee, Sukkur, Bukkur, Shikarpore, and Subzulkote, for our own; obliging the Ameers to leave a trackway along both banks of the Indus, and stipulate for a supply of wood; but at the same time, remitting all tribute, and arrears of tribute, in favour of those Ameers whose conduct has been correct; and, finally, enter into a fresh treaty with one of these Princes alone as chief, and answerable for the others.

11. I cannot think that such a procedure would be either dishonourable, or harsh. I am sure it would be humane. The refractory Ameers break the Treaty for the gratification of their avaricious

dispositions, and we punish that breach. I can perceive no injustice in such proceeding.

12. If it be determined to keep possession of Sukkur and Bukkur, I do not think it would be politic to give up Shikarpore; my reasons for this opinion are as follows: The town of Sukkur stands on an elbow of the Indus, which surrounds the town on two sides; on the other two, at about four miles distance, it is closed in by a large jungle, through which passes the road to Shikarpore where the jungle finishes. Now, if we evacuate Shikarpore, the robber tribes will descend from the hills, and establish themselves in this jungle, so that Sukkur will be blockaded; and no one be able to move beyond the chain of sentries, without being murdered. To clear this jungle with infantry would be impossible; the robbers would retreat before the advancing troops and, when the latter retired again, the former would again occupy the position in the jungle. But, if we occupy Shikarpore, a body of cavalry stationed there would spread along the outskirt of the jungle, while infantry would (by concert) push through the wood from Sukkur. The robbers, thus cut off from their hills, would receive such a terrible punishment, as to deter any other tribe from trying the same experiment.

13. In a commercial point, I consider Shikarpore to be of considerable importance. It forms a dépôt for the reception of goods from the north and west, with which countries it has long possessed channels of communication; circumstances of an adverse nature may for a while interrupt these, but under a firm protecting Government, they would soon be again opened out, and from Shikar-

pore goods would be sent to Sukkur, there to be shipped on the Indus, and would also be passed by land to Larkhana, and thence on to Kurachee. These seem formerly to have been the great lines of trade. They are geographically and naturally so, and will, therefore, quickly revive. But if Shikarpore be left to the mercy of the surrounding gangs of freebooters, commerce cannot thrive, nor, without Shikarpore be strongly guarded, can it pass through the jungle to Sukkur. These two towns are so placed as naturally to support each other in commerce.

14. In a political light Shikarpore has the advantage of being chiefly inhabited by a Hindoo population, tolerated for ages by the Mussulmans, and, consequently, forming a pacific link of intercourse between us and the nations north and west; through Shikarpore, these Hindoos will be the means of gradually filtering the stream of commerce and social intercourse between the Mahomedans and ourselves, and, in time, unite those who will not abruptly amalgamate. Shikarpore contains many rich banking houses, which is a sure evidence of its being a central point of communication between the surrounding countries, and, consequently, one where the British Government would learn what was going on in Asia. The money market is, generally speaking, the best political barometer.

15. The robber tribes in this neighbourhood have kept down this town in despite of its natural and acquired advantages; in fact, the robber is everywhere the master. Therefore all around is barbarous, and barbarous must continue to be, till civilization gradually encroaches upon these

lawless people; and, I think, Shikarpore is precisely one of those grand positions that ought to be seized upon for that purpose. I have, therefore, directed Major-General England not to evacuate this town till further instructions are received from the Governor-General.

16. I shall keep this memorandum till the arrival of Major Outram, and will request of him to peruse it, that he may give his opinion upon the view which I have taken; an opinion, which his experience of these countries, his abilities, and the high situation in which he has been placed by the Governor-General, all render very important. If Major Outram concurs in the opinions which I have ventured to express, they will be strengthened, if not, the Governor-General will be made acquainted with the objections of one possessing great local knowledge.

17. I have drawn up this memorandum entirely on my own consideration of the subject; but since Major Outram's arrival, which took place when I finished the last paragraph, he has given me every possible assistance. He concurs in all I have said in the foregoing paragraphs, but, at the same time, he has added much to my local knowledge, and in justice to the Ameers, I must, with this increase of information, enlarge upon what I have stated. The Ameers say, that they did not understand Article XI of the treaty with Hyderabad to prohibit the levying of tolls on their own subjects. It seems that they urge, in proof of their misconception, that they resisted the signing the Treaty, because of other Articles, less important, yet never objected to Article XI, because they relied upon Article V. This may be, and I would

willingly, if possible, suppose that they really did conceive that the Treaty gave them the right of levying tolls on their own subjects ; but my answer is, that they have attempted to levy tolls on the boats of the Khan of Bhawulpore, which the Treaty assuredly does not give them any right to do ; and they have even fired into the boats of merchants from that place. The Treaty could not be misconstrued on these points, and, therefore, I do not believe that they misconstrued the terms of the Treaty, but broke Article XI purposely. The Treaty has also been broken by treasonable correspondence, and other vexatious acts, as set forth in the accompanying return.

18. Now, what will be the punishment which I propose to inflict for their misconduct, amount to ? Injury to their family ? No ! Injury to their subjects ? No ! To what then ? To the reduction of their territory by four places ; two of which (Sukkur and Bukkur) are barred spots, yielding no revenue ; and the other two (Kurachee and Shikarpore) towns that their tyranny has nearly ruined, and for one of which, Shikarpore, we have negotiations pending, yet to obtain these places in seignorage, it is proposed to remit all tribute in arrear, and, for the future, withdraw our resident from Hyderabad, ensure the amelioration of the impoverished state, in which their subjects now languish, and, in time add to the power and wealth of the Ameers themselves, by opening the commerce of the river.

19. To their selfish feelings and avarice,and love of hunting, are such great general interests to be sacrificed ? I think not ; the real interests of the Ameers themselves demand that their puerile

pursuits and blind avaricious proceedings should be subjected to a wholesale control, which their breaches of treaties, and our power, give us, at this moment, a lawful right to exercise, and the means of peaceably enforcing. If any civilized man were asked the question, 'were you the ruler of Scinde, what would you do?' his answer would be 'I would abolish the tolls upon the rivers, make Kurachee a free port, protect Shikarpore from robbers, make Sukkur a mart for trade on the Indus. I would make a track-way along its banks; I would get steam-boats.' Yet all this is what the Ameers dread.

20. They have broken treaties, they have given a pretext, and I have a full conviction (perhaps erroneously) that what I propose is just and humane. I will go further, and say that, as Nusseer Khan of Hyderabad has openly broken the Treaty, if the Governor-General chooses to punish him, he might justly seize the district of Subzulkote, and give it to the Khan of Bhawulpore, as I have understood there was some intention of doing.

21. The second point to which Major Outram has drawn my attention is a very strong one. He tells me that the tribes on the river above that part possessed by the Ameers of Scinde, do levy tolls, and that there is no treaty or public document forthcoming, in virtue of which we can call upon the Ameers, of even Upper Scinde, not to levy tolls upon their own subjects. It is therefore evident, that to call upon the Ameers of Hyderabad to desist from levying tolls, and to allow the tribes above them on the river to do so, would be unjust; that is to say, it would be unjust to allow the others to levy tolls, but not unjust to prevent the

Ameers from doing so. The answer to the argument: 'That tolls are levied on the Northern Indus' is just this: we should say to these northern tribes, 'We have with great trouble secured to your boats a free passage on the river through Scinde; we are resolved to open the commerce of this great highway of nations; and you, who all receive benefit, must join in this great measure for the good of all, and to the loss of none. Therefore, to excuse the Ameers upon the ground that others are not equally coerced, is answered by coercing the others.

22. Having thus given the best view that I can take of this intricate subject, I shall accompany this report by various documents, among which there is one giving a kind of return, if I may so call it, of the accusations against the Ameers, upon which accusations, relative to which I have read every paper, I have founded my opinion of their conduct, and, by referring to this return, it will be seen whether I have justly estimated the complaints made against them by the Political Agents.

23. I have also added the documents verifying each transaction. I have also begged of Major Outram to give me a memorandum of the state in which the Treaty with the Ameers, for the purchase of Shikarpore, remains, as it has been in abeyance since last year. From this memorandum it would appear, that in addition to the great advantages to Sukkur, which would attend the occupation of Shikarpore, this district would be a very valuable acquisition, in point of revenue, in time; and could with the aid of Kurrachee, meet the expense of guarding our newly acquired towns on the banks of the Indus.

24. Should it hereafter be deemed proper to make the proposed arrangements with the Ameers, so as to punish those who have broken the treaty, the details of such arrangements can be easily made. The transfer of tribute due would adequately repay whatever portions of the districts in question belong to the Ameers, whose conduct had been loyal, when compared with that of the others.

23. *The Earl of Dalhousie, 28 February 1856*

2. When I sailed from England in the winter of 1847, to assume the Government of India, there prevailed universal conviction among public men at home that permanent peace had at length been secured in the East. Before the summer came, we were already involved in the second Sikh war.

That we were so, was due to no precipitation or fault of ours. The murder of the British officers at Mooltan, and the open rebellion of the Dewan Moolraj, were not made pretext for quarrel with the Government of Lahore. On the contrary, the offence of the Dewan Moolraj was sedulously distinguished from national wrong. The Sikhs themselves were called upon to punish Moolraj as a rebel against their own sovereign, and to exact reparation for the British Government, whose protection they had previously invoked.

But when it was seen that the spirit of the whole Sikh people was inflamed by the bitterest animosity against us; when chief after chief deserted our cause, until nearly their whole army, led by sirdars who had signed the treaties, and by members of the Council of Regency itself, was openly arrayed

against us ; when, above all, it was seen that the Sikhs, in their eagerness for our destruction, had even combined in unnatural alliance with Dost Mahomed Khan and his Mahomedan tribes ; it became manifest that there was no alternative left. The question for us was no longer one of policy or of expediency, but one of national safety.

Accordingly, the government put forth its power. After a prolonged campaign, and a struggle severe and anxious, the Sikhs were utterly defeated and subdued ; the Afghans were driven with ignominy through the mountains, and the Punjab became a British province.

3. When little more than two years had passed, the Government of India again was suddenly engaged in hostilities with Burmah.

Certain British raiders in the port of Rangoon had been subjected to gross outrage by the officers of the King of Ava, in direct violation of the treaty of Yandaboo.

Holding to the wisdom of Lord Wellesley's maxim, that an insult offered to the British flag at the mouth of the Ganges should be resented as promptly and as fully as an insult offered at the mouth of the Thames, I should, under any circumstances, have regarded it as sound policy to exact reparation for wrong done to British subjects from any native state. But our relations with the Burmese Court, and the policy it had long pursued towards us, imposed upon the Government of India, at the time to which I refer, the absolute necessity of exacting from it reparation for the systematic violation of treaty, of which British traders had now made formal complaint.

Of all the Eastern nations with which the Govern-

ment of India has had to do, the Burmese were the most arrogant and overbearing.

During the years since the treaty with them had been concluded, they had treated it with disregard, and had been allowed to disregard it with impunity. They had been permitted to worry away our envoys by petty annoyances from their court; and their insolence had even been tolerated, when at last they vexed our Commercial Agent at Rangoon into silent departure from their port. Inflated by such indirect concessions as these, the Burmans had assumed again the tone they used before the war of 1825. On more than one occasion they had threatened recommencement of hostilities against us, and always at the most untoward time.

However contemptible the Burman race may seem to critics in Europe, they have ever been regarded in the East as formidable in the extreme. Only five and twenty years before, the news of their march towards Chittagong had raised a panic in the bazaars of Calcutta itself; and even in the late war a rumour of their supposed approach spread consternation in the British districts of Assam and Arracan.

If deliberate and gross wrong should be tamely borne from such a people as this, without vindication of our rights or exaction of reparation for the wrong—whether the motive of our inaction were desire of peace or contempt for the Burman power—it was felt that the policy would be full of danger. For the Government of India could never, consistently with its own safety, permit itself to stand for a single day in an attitude of inferiority towards a native power, and least of all towards the Court of Ava.

Every effort was made to obtain reparation by friendly means. The reparation required was no more than compensation for the actual loss incurred. But every effort was vain. Our demands were evaded; our officers were insulted. The warnings which we gave were treated with disregard; and the period of grace which we allowed was employed by the Burmese in strengthening their fortifications, and in making every preparation for resistance.

Thereupon the Government of India dispatched a powerful expedition to Pegu; and within a few weeks the whole of the coast of Burmah, with all its defences, was in our possession.

Even then the Government of India abstained from further operations for several months, in the hope that, profiting by experience, the King of Ava would yet accede to our just demands.

But our forbearance was fruitless. Accordingly, in the end of 1852, the British troops took possession of the kingdom of Pegu, and the territory was retained, in order that the Government of India might hold from the Burman state, both adequate compensation for past injury and the best security against future danger.

4. Since hostilities with Burmah ceased, the Indian empire has been at peace.

No prudent man, who has any knowledge of Eastern affairs, would ever venture to predict the maintenance of continued peace within our Eastern possessions. Experience, frequent hard and recent experience, has taught us that war from without, or rebellion from within, may at any time be raised against us, in quarters where they were the least to be expected, and by the most feeble and unlikely

instruments. No man, therefore, can ever prudently hold forth assurance of continued peace in India.

But, having regard to the relation in which the Government of India stands towards each of the several foreign powers around it, I think it may be safely said that there seems to be no quarter from which formidable war can reasonably be apprehended at present.

6. For nearly 40 years, Nipal has faithfully observed the peace she bought so dearly. Her minister, sagacious and able, has himself been witness of the vast resources of our power, during his recent visit to Europe. He has been for some time engaged in a war with Thibet, which has been productive of heavy charge, while it has brought neither power nor profit to Nipal, and must have given umbrage to China, whose tributary she is. From Nipal, therefore, there is even less probability of hostility now, than in any one of the 40 years during which she has in good faith observed the peace which she solemnly bound herself to maintain and which her obvious interests recommend.

7. Maharajah Golab Sing, of Jummoo and Cashmere, so long as he lives, will never depart from the submissive policy he announced, with unmistakable sincerity in his air, when in Durbar at Wuzeerabad he caught my dress in his hands, and cried aloud, 'Thus I grasp the skirts of the British Government, and I will never let go my hold.'

And when, as must soon be, the Maharajah shall pass away, his son, Meean Rumbeer Sing, will have enough to do to maintain his ground against rivals of his own blood, without giving any cause of offence to a powerful neighbour, which he well knows can crush him at his will.

8. On the western border, a treaty has been made with the Khan of Kelat, whereby he becomes the friend of our friends, and the enemy of our enemies, and engages to give us temporary possession of such positions within his territory as we may at any time require for purposes of defence.

9. Lastly, a treaty was concluded during the past year with the Ameer Dost Mahomed Khan of Cabool. It bound him to be the friend of our friends and the enemy of our enemies, while it imposed no corresponding obligation upon us, from which inconvenience or embarrassment could arise. The Ameer himself sought our friendship, and he has already shown that he regards it as a tower of strength.

Thus the enmity which existed through many years, and which was aggravated by the Afghan policy of 1849, has happily been removed, without any sacrifice upon our part, and to our manifest advantage. An alliance has been timely formed with the leading Afghan state, upon the solid basis of common interest against a common enemy. Already, the consequences of the treaty have developed themselves in the conquest of Candahar by the Ameer Dost Mahomed Khan; an event which has largely increased the Ameer's power, while it has brought to pass for us, that every portion of our western frontier, from the Himalayas even to the sea, is now covered against hostile attack by the barrier of a treaty with a friendly power.

I venture to think that the Court of Directors will see in this brief summary ample reason to be content with the condition in which I leave the

relations of the Honourable East India Company with every foreign state around its borders.

10. As regards the internal tranquillity of the empire, I have already observed that no man can presume to warrant its continuance, with certainty, for a day. In territories and among a population so vast, occasional disturbance must needs prevail. Raids and forays are, and will still be, reported from the western frontier. From time to time marauding expeditions will descend into the plains, and again expeditions to punish the marauders will penetrate the hills. Nor can it be expected but that, among races so various and multitudes so innumerable, local outbreaks will from time to time occur, as little looked for as that of the Sonthal tribe in the Damun-i-koh.

But the rising of the Sonthal tribe has been repressed, and measures of precaution have been taken, such as may be expected to prevent all risk of its recurrence.

With respect to the frontier raids, they are and must for the present be viewed as events inseparable from the state of society which for centuries past has existed among the mountain tribes. They are no more to be regarded as interruptions of the general peace in India, than the street brawls which appear among the every-day proceedings of a police court in London are regarded as indications of the existence of civil war in England.

12. During the eight years over which we now look back, the British territories in the East have been largely increased. Within that time, four kingdoms have passed under the sceptre of the Queen of England; and various chiefships and separate tracts have been brought under her sway.

13. The kingdom of the Punjab and the kingdom of Pegu were the fruits of conquest, which followed upon the wars whose origin and issue have been already stated.

14. The kingdom of Nagpore became British territory by simple lapse, in the absence of all legal heirs. The kingdom, which had been granted to the reigning Rajah by the British Government when it had become forfeited by the treachery of Appa Sahib, was left without a claimant when the Rajah died. No son had been born to his Highness; none had been adopted by him; none, as they had themselves admitted, was adopted at the Rajah's death by the Ranees his widows. There remained no one male of the line, who descended from the stock and bore the name of Bhonslah.

The British Government, therefore, refused to bestow the territory in free gift upon a stranger, and wisely incorporated it with its own dominions.

15. Lastly, the kingdom of Oude has been assumed in perpetual government for the Honourable East India Company; in pursuance of a policy which has so recently been under the consideration of the Honourable Court, that I deem it unnecessary to refer to it more particularly here.

16. The principality of Sattara was included in the British territories in 1849, by right of lapse, the Rajah having died without male heir.

17. In like manner the chiefship of Jhansie has reverted to the possession of the Indian Government.

18. Lastly, by a treaty concluded in 1853, his Highness the Nizam has assigned in perpetual government to the Honourable East India Company the province of Berar, and other districts of his

state, for the permanent maintenance of the Hyderabad Contingent, for the payment of certain debts which he had incurred, and for the termination of those transactions which for many years had been the fruitful source of dispute, and had even endangered the continuance of friendly relations between the states.

19. By the several territorial acquisitions which have just been enumerated, a revenue of not less than four millions sterling (4,000,000 *l.*) has been added to the annual income of the Indian empire.

25. The several new provinces, whose government we have assumed, have been administered in tranquillity and with success.

The remarkable results which have attended the labours of the able and eminent men, to whom was committed the charge of the province of the Punjab, are now familiar to Parliament and to the country. I feel it to be unnecessary to add even a single word to the Punjab reports already submitted to the Honourable Court, which explain how 'internal peace has been guarded, how the various establishments of the state have been organized, how violent crime been repressed, the penal law executed and prison discipline enforced; how civil justice has been administered; how the taxation has been fixed and the revenues collected; how commerce has been set free, agriculture fostered, and the national resources developed, how plans for future improvement have been projected, and, lastly, how the finances have been managed.'[1]

26. In the province of Pegu the results of our administration have been satisfactory in a high

[1] First Punjab Report, p. 452.

degree, though they have neither the brilliancy nor the interest which attaches to the labours of the local officers in the Punjab.

But in Pegu also we have the satisfaction of knowing, that, in spite of the peculiar discouragements and heavy difficulties with which our officers have had to contend, complete tranquillity has long since been established. The people, lightly taxed, and well to do, are highly contented with our rule. Order and quiet prevail throughout the districts. Even in Tharrawaddy, which, under the Burman rule, was the permanent refuge of rebellion and crime, all outrage has ceased. The rivers, the great highways of the country, watched by an effective police, are traversed in safety by all. Trade is rapidly increasing. A new port has been founded for the new European trade which has at once sprung up; and, light as taxation is, the revenue has already exceeded the amount at which I estimated its probable measure; for it is expected that 27 lakhs will be collected this year.

Population alone is wanting. When that deficiency shall have been supplied, the province of Pegu will equal Bengal in fertility of production, and will surpass it in every other respect.

27. The anticipations of those who believed that the renewal of British authority in Nagpore would be hailed with lively satisfaction by the whole population of the province have been more than fulfilled by the event.

The Raj was transferred by a simple order to the possession of the British Crown. Not one additional soldier was moved into the province. Our civil administration has been introduced into every

district. Such portion of the army as was required has been embodied and disciplined in our pay; while the rest have been pensioned, or discharged with a handsome gratuity. Perfect contentment and quiet prevail. Beyond the palace walls not a murmur has been heard; and in no single instance throughout the districts has the public peace been disturbed.

28. Equally happy results have attended the assignment which the Nizam was persuaded to make of the districts belonging to the state of Hyderabad.

In the possession of Berar and the neighbouring districts of Nagpore, the British Government, it deserves to be remembered, has secured the finest cotton tracts which are known to exist in all the continent of India; and thus has opened up a great additional channel of supply, through which to make good a felt deficiency in the staple of one great branch of its manufacturing industry.

Since the assignment was made all disputes with the Nizam have ceased.

Though the districts assigned were covered with places of defence, the famous fortress of Gawilghur among the rest, and although they were garrisoned by Arabs or Rohillas, yet all were delivered over submissively and at once, and not a single shot was fired in anger.

There also the civil administration has been introduced. Crime—especially the violent crime of dacoity—has already much diminished. The revenue is already rapidly increasing. The public tranquillity has not been disturbed by even a single popular tumult; and the admirable little army, which was formerly the Nizam's Contingent,

but which is now a British force, is available for any service for which it may be required.

29. The assumption of the government of Oude is an event too recent to admit of any record being given of the progress that has been made towards the organization of its future administration. The government of the province was assumed on the 7th of this month. Up to the present time no resistance has been attempted, no disturbance of the public peace has occurred. The troops of the king are contentedly taking service in our pay; and thus far at least no zemindar or chief has refused submission to our authority.

A complete civil administration has been prepared, and the military force which it was intended to retain had been fully organized, before negotiations were opened with the King. Officers had been named to every appointment. The best men that could be found available were selected from the civil and military services for the new offices in Oude, and the Government has every reason to anticipate that they will achieve an equal degree of success, as those to whom similar tasks have previously been committed.

30. It is not, however, in the new provinces alone that great changes have been brought to pass. When the Statute of 1833 expired, material and important changes were made by the hand of Parliament upon the frame of the administration itself. Of these, two principal measures are worthy of note.

31. Until that time the local government of Bengal had been placed in the hands of the Governor-General of India. But in the year 1853 the system, by which the officer charged with the

responsibility of controlling the government of all India was further burdened with local duties of vast extent and importance, was happily abandoned. The Governor-General was finally liberated from the obligation of performing an impossible task, and a Lieutenant-Governor was appointed to the charge of Bengal alone.

The importance of this measure cannot be overrated.

32. At the same time another great change was introduced, equally novel in its character, and not less important.

A Council was appointed as the Legislature of India, which was no longer identical with the Supreme Council, but included divers other members, and exercised its functions by separate and distinct proceedings of its own.

The organization of the Legislative Council proved to be a work which involved great labour, and was attended with many difficulties. The proceedings of the Council, however, were speedily reduced to form. The duties of legislation have subsequently been laboriously and faithfully performed. The public has long since had access to its deliberations. Its debates and papers are printed and published; and I trust, and believe, that Parliament and the public will each year see reason to be more and more content with the manner in which the Legislative Council of India will fulfil the purposes for which it was established.

41. Seven years ago the heir apparent to the King of Delhi died. He was the last of the race who had been born in the purple. The Court of Directors was accordingly advised to decline to

recognize any other heir apparent, and to permit the kingly title to fall into abeyance upon the death of the present King, who even then was a very aged man. The Honourable Court accordingly conveyed to the Government of India authority to terminate the dynasty of Timour, whenever the reigning King should die. But as it was found that, although the Honourable Court had consented to the measure, it had given its consent with great reluctance, I abstained from making use of the authority which had been given to me. The grandson of the King was recognized as heir apparent; but only on condition that he should quit the palace in Delhi in order to reside in the palace at the Kootub; and that he should, as King, receive the Governor-General of India at all times on terms of perfect equality.

42. The Nawab Nazim of Bengal having permitted a cruel murder, by the infliction of bastinado, to be committed within his jurisdiction, and almost at the door of his tent, his Highness's peculiar jurisdiction and legal exemption were taken away from him; and he was subjected to the disgrace of losing a large portion of the salute of honour which he has previously received.

43. During the last autumn the Nawab of the Carnatic very suddenly died.

As the treaty by which the Musnud of the Carnatic was conferred on his Highness's predecessor was exclusively a personal one; as the Nawab had left no male heir; and as both he and his family had disreputably abused the dignity of their position, and the large share of public revenue which had been allotted to them; the Court of Directors has been advised to place the title of

Nawab in abeyance, granting fitting pensions to the several members of the Carnatic family.

44. Very shortly after the death of the Nawab of the Carnatic, the Rajah of Tanjore deceased. He left no son, and no male heir, direct or indirect, who bore his name. The Honourable Court was therefore advised to resume the large stipend which the Rajah had enjoyed, as a lapse to the Government, pensions being granted to the members of the family as in all similar cases.

24. *Petition from the East India Company to Parliament, February 1858*

HUMBLY SHEWETH,

That your petitioners, at their own expense, and by the agency of their own civil and military servants, originally acquired for this country its magnificent empire in the East,

That the foundations of this empire were laid by your petitioners, at that time neither aided nor controlled by Parliament, at the same period at which a succession of administrations under the control of Parliament were losing to the Crown of Great Britain another great empire on the opposite side of the Atlantic.

That during the period of about a century which has since elapsed, the Indian possessions of this country have been governed and defended from the resources of those possessions, without the smallest cost to the British Exchequer, which, to the best of your petitioners' knowledge and belief, cannot be said of any other of the numerous foreign dependencies of the Crown.

That it being manifestly improper that the

administration of any British possession should be independent of the general Government of the empire, Parliament provided, in 1783, that a department of the Imperial Government should have full cognizance of, and power of control over, the acts of your petitioners in the administration of India; since which time the home branch of the Indian Government has been conducted by the joint counsels, and on the joint responsibility, of your petitioners and of a minister of the Crown.

That this arrangement has at subsequent periods undergone reconsideration from the Legislature, and various comprehensive and careful Parliamentary inquiries have been made into its practical operation; the result of which has been, on each occasion, a renewed grant to your petitioners of the powers exercised by them in the administration of India.

That the last of these occasions was so recent as 1853, in which year the arrangements which had existed for nearly three-quarters of a century were, with certain modifications, re-enacted, and still subsist.

That, notwithstanding, your petitioners have received an intimation from Her Majesty's Ministers of their intention to propose to Parliament a Bill for the purpose of placing the government of Her Majesty's East Indian Dominions under the direct authority of the Crown—a change necessarily involving the abolition of the East India Company as an instrument of government.

That your petitioners have not been informed of the reasons which have induced Her Majesty's Ministers, without any previous inquiry, to come to the resolution of putting an end to a system of

administration, which Parliament, after inquiry, deliberately confirmed and sanctioned less than five years ago, and which, in its modified form, has not been in operation quite four years, and cannot be considered to have undergone a sufficient trial during that short period.

That your petitioners do not understand that Her Majesty's Ministers impute any failure to those arrangements or bring any charge, either great or small, against your petitioners. But the time at which the proposal is made compels your petitioners to regard it as arising from the calamitous events which have recently occurred in India.

That your petitioners challenge the most searching investigation into the mutiny of the Bengal army, and the causes, whether remote or immediate, which produced that mutiny. They have instructed the Government of India to appoint a commission for conducting such an inquiry on the spot. And it is their most anxious wish that a similar inquiry may be instituted in this country by your [Lordships'] Honourable House; in order that it may be ascertained whether anything either in the constitution of the Home Government of India, or in the conduct of those by whom it has been administered, has had any share in producing the mutiny, or has in any way impeded the measures for its suppression; and whether the mutiny itself, or any circumstance connected with it, affords any evidence of the failure of the arrangements under which India is at present administered.

That, were it even true that these arrangements had failed, the failure could constitute no reason for divesting the East India Company of its functions, and transferring them to Her Majesty's

Government. For, under the existing system, Her Majesty's Government have the deciding vote. The duty imposed upon the Court of Directors is to originate measures and frame drafts of instructions. Even had they been remiss in this duty, their remissness, however discreditable to themselves, could in no way absolve the responsibility of Her Majesty's Government, since the Minister for India possesses, and has frequently exercised, the power of requiring that the Court of Directors should take any subject into consideration, and prepare a draft dispatch for his approval. Her Majesty's Government are thus in the fullest sense accountable for all that has been done, and for all that has been forborne or omitted to be done. Your petitioners, on the other hand, are accountable only in so far as the act or omission has been promoted by themselves.

That under these circumstances, if the administration of India had been a failure, it would, your petitioners submit, have been somewhat unreasonable to expect that a remedy would be found in annihilating the branch of the ruling authority which could not be the one principally in fault, and might be altogether blameless, in order to concentrate all the powers in the branch which had necessarily the decisive share in every error, real or supposed. To believe that the administration of India would have been more free from error had it been conducted by a Minister of the Crown without the aid of the Court of Directors, would be to believe that the Minister, with full power to govern India as he pleased, has governed ill because he has had the assistance of experienced and responsible advisers.

That your petitioners, however, do not seek to vindicate themselves at the expense of any other authority. They claim their full share of the responsibility of the manner in which India has practically been governed. That responsibility is to them not a subject of humiliation but of pride. They are conscious that their advice and initiative have been, and have deserved to be, a great and potent element in the conduct of affairs in India, and they feel complete assurance that, the more attention is bestowed and the more light thrown upon India and its administration, the more evident it will become that the government in which they have borne a part has been not only one of the purest in intention, but one of the most beneficent in act, ever known among mankind ; that, during the last and present generation in particular, it has been, in all departments, one of the most rapidly improving governments in the world ; and that, at the time when this change is proposed, a greater number of important improvements are in a state of more rapid progress than at any former period. And they are satisfied that whatever further improvements may be hereafter effected in India can only consist in the development of germs already planted, and in building on foundations already laid, under their authority, and in a great measure by their express instructions.

That such, however, is not the impression likely to be made on the public mind, either in England, or in India, by the ejection of your petitioners from the place they fill in the Indian administration. It is not usual with statesmen to propose the complete abolition of a system of government, of which the practical operation is not condemned,

and it might be generally inferred from the proposed measures, if carried into effect at the present time, that the East India Company, having been entrusted with an important portion of the administration of India, have so abused their trust as to have produced a sanguinary insurrection, and nearly lost India to the British empire; and that, having thus crowned a long career of misgovernment, they have, in deference to public indignation, been deservedly cashiered for their misconduct.

That if the character of the East India Company were alone concerned, your petitioners might be willing to await the verdict of history. They are satisfied that posterity will do them justice. And they are confident that even now justice is done to them in the minds, not only of Her Majesty's Ministers, but of all who have any claim to be competent judges of the subject. But, though your petitioners could afford to wait for the reversal of the verdict of condemnation which will be believed throughout the world to have been passed on them and their government by the British nation, your petitioners cannot look without the deepest uneasiness at the effect likely to be produced on the minds of the people of India. To them, however incorrectly the name may express the fact, the British Government in India is the Government of the East India Company. To their minds the abolition of the Company will, for some time to come, mean the abolition of the whole system of administration with which the Company is identified. The measure, introduced simultaneously with the influx of an overwhelming British force, will be coincident with a general outcry, in itself

most alarming to their fears, from most of the organs of opinion in this country as well as of English opinion in India, denouncing the past policy of the Government on the express ground that it has been too forbearing and too considerate towards the natives. The people of India will at first feel no certainty that the new Government, or the Government under a new name, which it is proposed to introduce, will hold itself bound by the pledges of its predecessors. They will be slow to believe that a Government has been destroyed only to be followed by another which will act on the same principles and adhere to the same measures. They cannot suppose that the existing organ of administration would be swept away without the intention of reversing any part of its policy. They will see the authorities, both at home and in India, surrounded by persons vehemently urging radical changes in many parts of that policy. And interpreting, as they must do, the change in the instrument of government, as a concession to these opinions and feelings, they can hardly fail to believe that, whatever else may be intended, the Government will no longer be permitted to observe that strict impartiality between those who profess its own creed and those who hold the creeds of its native subjects which hitherto characterized it; that their strongest and most deeply-rooted feelings will henceforth be treated with much less regard than heretofore; and that a directly aggressive policy towards everything in their habits, or in their usages and customs, which Englishmen deem objectionable, will be no longer confined to individuals and private associations, but will be backed by all the power of Government.

And here your petitioners think it important to observe, that in abstaining as they have done from all interference with any of the religious practices of the people of India, except such as are abhorrent to humanity, they have acted not only from their own conviction of what is just and expedient, but in accordance with the avowed intentions and express enactments of the legislature, framed 'in order that regard should be had to the civil and religious usages of the natives,' and also that 'suits, civil or criminal, against the natives,' should be conducted according to such rules 'as may accommodate the same to the religion and manners of the natives.' That their policy in this respect has been successful, is evidenced by the fact, that during a military mutiny, said to have been caused by unfounded apprehensions of danger to religion, the heads of the native states, and the masses of the population, have remained faithful to the British Government. Your petitioners need hardly observe how very different would probably have been the issue of the late events, if the native princes, instead of aiding in the suppression of the rebellion, had put themselves at its head, or if the general population had joined in the revolt; and how probable it is that both these contingencies would have occurred, if any real ground had been given for the persuasion that the British Government intended to identify itself with proselytism. And it is the honest conviction of your petitioners that any serious apprehension of a change of policy in this respect would be likely to be followed, at no distant period, by a general rising throughout India.

That your petitioners have seen with the greatest

pain the demonstrations of indiscriminate animosity towards the natives of India, on the part of our countrymen in India and at home, which have grown up since the late unhappy events. They believe these sentiments to be fundamentally unjust; they know them to be fatal to the possibility of good government in India. They feel that if such demonstrations should continue, and, especially if weight be added to them by legislating under their supposed influence, no amount of wisdom and forbearance on the part of the Government will avail to restore that confidence of the governed in the intentions of their rulers without which it is vain even to attempt the improvement of the people.

That your petitioners cannot contemplate without dismay the doctrine now widely promulgated that India should be administered with an especial view to the benefit of the English who reside there; or that in its administration any advantage should be sought for Her Majesty's subjects of European birth, except that which they will necessarily derive from their superiority of intelligence, and from the increased prosperity of the people, the improvement of the productive resources of the country, and the extension of commercial intercourse. Your petitioners regard it as the most honourable characteristic of the government of India by England, that it has acknowledged no such distinction as that of a dominant and subject race; but has held that its first duty was to the people of India. Your petitioners feel that a great portion of the hostility with which they are assailed, is caused by the belief that they are peculiarly the guardians of

this principle, and that so long as they have any voice in the administration of India, it cannot easily be infringed. And your petitioners will not conceal their belief that their exclusion from any part in the government is likely, at the present time, to be regarded in India as a first successful attack on that principle.

That your petitioners, therefore, most earnestly represent to your [Lordships'] Honourable House, that, even if the contemplated change could be proved to be in itself advisable, the present is a most unsuitable time for entertaining it; and they most strongly and respectfully urge on your [Lordships'] Honourable House the expediency of at least deferring any such change until it can be effected at a period when it would not be, in the minds of the people of India, directly connected with the recent calamitous events, and with the feelings to which those events have either given rise or have afforded an opportunity of manifestation. Such postponement, your petitioners submit, would allow time for a more mature consideration than has yet been given, or can be given in the present excited state of the public mind, to the various questions connected with the organization of a Government for India; and would enable the most competent minds in the nation calmly to examine whether any new arrangement can be devised for the home Government of India, uniting a greater number of the conditions of good administration than the present; and, if so, which among the numerous schemes which have been or may be proposed, possesses those requisites in the greatest degree.

That your petitioners have always willingly

acquiesced in any changes which, after discussion by Parliament, were deemed conducive to the general welfare, although such changes may have involved important sacrifices to themselves. They would refer to their partial relinquishment of trade in 1813; to its total abandonment and the placing of their Commercial Charter in abeyance, in 1833; to the transfer to India of their commercial assets, amounting to £15,858,000, a sum greatly exceeding that ultimately repayable to them in respect of their capital, independent of territorial rights and claims; and to their concurrence in 1853, in the measure by which the Court of Directors was reconstructed, and reduced to its present number. In the same spirit, your petitioners would gladly co-operate with Her Majesty's Government in correcting any defects which may be considered to exist in the details of the present system; and they would be prepared, without a murmur, to relinquish their trust altogether, if a better system for the control of the Government of India can be devised. But, as they believe that in the construction of such a system there are conditions which cannot, without the most dangerous consequences, be departed from, your petitioners respectfully and deferentially submit to the judgement of your [Lordships'] Honourable House their view of those conditions, in the hope that if your [Lordships'] Honourable House should see reason to agree in that view, you will withold your legislative sanction from any arrangement for the government in question in at least an equal degree with the present.

That your petitioners may venture to assume that it will not be proposed to vest the home

portion of the administration of India in a Minister of the Crown, without the adjunct of a Council composed of statesmen experienced in Indian affairs. Her Majesty's Ministers cannot but be aware that the knowledge necessary for governing a foreign country, and in particular a country like India, requires as much special study as any other profession, and cannot possibly be possessed by any one who has not devoted a considerable portion of his life to the acquisition of it.

That in constituting a body of experienced advisers to be associated with the Indian Minister, your petitioners consider it indispensable to bear in mind that this body should not only be qualified to advise the minister, but also, by its advice, to exercise, to a certain degree, a moral check. It cannot be expected that the Minister, as a general rule, should himself know India; while he will be exposed to perpetual solicitations from individuals and bodies, either entirely ignorant of that country, or knowing only enough of it to impose on those who know still less than themselves, and having very frequently objects in view other than the interests or good government of India. The influences likely to be brought to bear on him through the organs of popular opinion will, in the majority of cases, be equally misleading. The public opinion of England, itself necessarily unacquainted with Indian affairs, can only follow the promptings of those who take most pains to influence it, and these will generally be such as have some private interest to serve. It is, therefore, your petitioners submit, of the utmost importance that any Council which may form a part of the Home Government of India should derive

sufficient weight from its constitution, and from the relation it occupies to the Minister, to be a substantial barrier against those inroads of self-interest and ignorance in this country from which the Government of India has hitherto been comparatively free, but against which it would be too much to expect that Parliament should of itself afford a sufficient protection.

That your petitioners cannot well conceive a worse form of government for India than a Minister with a Council whom he should be at liberty to consult or not at his pleasure, or whose advice he should be able to disregard, without giving his reasons in writing, and in a manner likely to carry conviction. Such an arrangement, your petitioners submit, would be really liable to the objections, in their opinion, erroneously urged against the present system. Your petitioners respectfully represent that any body of persons associated with the Minister, which is not a check, will be a screen. Unless the Council is so constituted as to be personally independent of the Minister, unless it feels itself responsible for recording an opinion on every Indian subject, and pressing that opinion on the Minister, whether it is agreeable to him or not; and unless the Minister, when he overrules their opinion, is bound to record his reasons, their existence will only serve to weaken his responsibilities and to give the colourable sanction of prudence and experience to measures in the framing of which those qualities have had no share.

That it would be vain to expect that a new Council could have as much moral influence, and power of asserting its opinion with effect, as the Court of Directors. A new body can no more

succeed to the feelings and authority which their antiquity and historical antecedents give to the East India Company, than a legislature under a new name, sitting in Westminster, would have the moral ascendancy of the Houses of Lords and Commons. One of the most important elements of usefulness will thus be necessarily wanting in any newly constituted Indian Council, as compared with the present.

That your petitioners find it difficult to conceive that the same independence in judgement and act, which characterizes the Court of Directors, will be found in any Council all of whose Members are nominated by the Crown. Owing their nomination to the same authority, many of them probably to the same individual Minister, whom they are appointed to check, and looking to him alone for their reappointment, their desire of recommending themselves to him and their unwillingness to risk his displeasure by any serious resistance to his wishes, will be motives too strong not to be in danger of exercising a powerful and injurious influence over their conduct. Nor are your petitioners aware of any mode in which that injurious influence could be guarded against, except by conferring the appointments, like those of the judges, during good behaviour; which, by rendering it impossible to correct an error once committed, would be seriously objectionable.

That your petitioners are equally unable to see how, if the controlling body is nominated by the Minister, that happy independence of Parliamentary and party influence, which has hitherto distinguished the administration of India and the appointment to situations of trust and importance

in that country, can be expected to continue. Your petitioners believe that in no Government known to history have appointments to offices, and especially to high offices, been so rarely bestowed on any other considerations than those of personal fitness. This characteristic, but for which in all probability India would long since have been lost to this country, is, your petitioners conceive, entirely owing to the circumstance that the dispensers of patronage have been persons unconnected with party, and under no necessity of conciliating Parliamentary support; that, consequently, the appointments to offices in India have been, as a rule, left to the unbiassed judgement of the local authorities; while the nominations to the civil and military services have been generally bestowed on the middle classes, irrespective of political considerations, and, in a large proportion, on the relatives of persons who had distinguished themselves by their services in India.

That your petitioners, therefore, think it essential that at least a majority of the Council which assists the Minister for India with its advice, should hold their seats independently of his appointment.

That it is, in the opinion of your petitioners, no less necessary that the order of the transaction of business should be such as to make the participation of the Council in the administration of India a substantial one. That to this end, it is, in the opinion of your petitioners, indispensable that the dispatches to India should not be prepared by the Minister and laid before the Council, but should be prepared by the Council and submitted to the Minister. This would be in accordance with the

natural and obvious principle that persons chosen for their knowledge of a subject should suggest the mode of dealing with it, instead of merely giving their opinion on suggestions coming from elsewhere. This is also the only mode in which the Members of the Council can feel themselves sufficiently important or sufficiently responsible to secure their applying their minds to the subjects before them. It is almost unnecessary for your petitioners to observe, that the mind is called into far more vigorous action by being required to propose than by being merely called on to assent. The Minister has necessarily the ultimate decision. If he has also the initiative, he has all the powers which are of any practical moment. A body, whose only recognized function was to find fault, would speedily let that function fall into desuetude. They would feel that their co-operation in conducting the government of India was not really desired; that they were only felt as a clog on the wheels of business. Their criticism on what had been decided without their being collectively consulted would be felt as importunate, as a mere delay and impediment; and their office would probably be seldom sought by those who were willing to allow its most important duties to become nominal.

That with the duty of preparing the dispatches to India, would naturally be combined the nomination and control of the home establishments. This your petitioners consider absolutely essential to the utility of the Council. If the officers through whom they work are in direct dependence upon an authority higher than theirs, all matters of importance will in reality be settled between the

Minister and the subordinates, passing over the Council altogether.

That a third consideration, to which your petitioners attach great importance, is, that the number of the Council should not be too restricted. India is so wide a field, that a practical acquaintance with every part of its affairs cannot be found combined in any small number of individuals. The Council ought to contain men of general experience and knowledge of the world; also men specially qualified by financial and revenue experience, by judicial experience, diplomatic experience, military experience. It ought to contain persons conversant with the varied social relations and varied institutions of Bengal, Madras, Bombay, the North Western Provinces, the Punjab, and the native states. Even the present Court of Directors, reduced as it is in numbers by the Act of 1853, does not contain all the varieties of knowledge and experience desirable in such a body. Neither, your petitioners submit, would it be safe to limit the number to that which would be strictly sufficient, supposing all the appointments to be the best possible. A certain margin should be allowed for failures, which, even with the most conscientious selection, will sometimes occur. Your petitioners, moreover, cannot overlook the possibility that, if the nomination takes place by Ministers at the head of a political party, it will not always be made with exclusive reference to personal qualifications; and it is indispensable to provide that such errors or faults in the nominating authority, so long as they are only occasional, shall not seriously impair the efficiency of the body.

That while these considerations plead strongly

for a body not less numerous than the present, even if only regarded as advisers of the Minister, their other office, as a check on the Minister, forms, your petitioners submit, a no less forcible objection to any considerable reduction of the present number. A body of six or eight will not be equal to one of eighteen, in that feeling of independent self-reliance which is necessary to induce a public body to press its opinion on a Minister to whom that opinion is unacceptable. However unobjectionably in other respects so small a body may be constituted, reluctance to give offence will be likely, unless in extreme cases, to be a stronger habitual inducement in their minds than the desire to stand up for their convictions.

That if, in the opinion of your [Lordships'] Honourable House, a body can be constituted which unites the above enumerated requisites of good government in a greater degree than the Court of Directors, your petitioners have only to express their humble hope that your endeavours for that purpose may be successful. But if, in enumerating the conditions of a good system of home government for India, your petitioners have in fact enumerated the qualities possessed by the present system, then your petitioners pray that your [Lordships'] Honourable House will continue the existing powers of the Court of Directors.

That your petitioners are aware that the present Home Government of India is reproached with being a double Government; and that any arrangement by which an independent check is provided to the discretion of the Minister will be liable to a similar reproach. But they conceive

that this accusation originates in an entire misconception of the functions devolving on the Home Government of India, and in the application to it of the principles applicable to purely executive departments. The Executive Government of India is, and must be, seated in India itself. The Court of Directors is not so much an executive as a deliberative body. Its principal function, and that of the Home Government generally, is not to direct the details of administration, but to scrutinize and revise the past acts of the Indian Government; to lay down principles, and issue general instructions for their future guidance, and to give or refuse sanction to great political measures, which are referred home for approval. These duties are more analogous to the functions of Parliament, than to those of an Executive Board; and it might almost as well be said that Parliament, as that the Government of India, should be constituted on the principles applicable to Executive Boards. It is considered an excellence, not a defect, in the constitution of Parliament, to be not merely a double but a triple Government. An executive authority, your petitioners submit, may often with advantage be single, because promptitude is its first requisite. But the function of passing a deliberate opinion on past measures, and laying down principles of future policy, is a business which, in the estimation of your petitioners, admits of, and requires the concurrence of more judgements than one. It is no defect in such a body to be double, and no excellence to be single; especially when it can only be made so by cutting off that branch of it which by previous training is always the best prepared, and

often the only one which is prepared at all, for its peculiar duty.

That your petitioners have heard it asserted that, in consequence of what is called the double Government, the Indian authorities are less responsible to Parliament and the nation, than other departments of the Government of the empire, since it is impossible to know on which of the two branches of Home Government the responsibility ought to rest. Your petitioners fearlessly affirm, that this impression is not only groundless, but the very reverse of the truth. The Home Government of India is not less, but more responsible, than any other branch of the administration of the State ; inasmuch as the President of the Board of Commissioners, who is the Minister for India, is as completely responsible as any other of Her Majesty's ministers, and in addition, his advisers also are responsible. It is always certain, in the case of India, that the President of the Board of Commissioners must have either commanded or sanctioned all that has been done. No more than this, your petitioners submit, can be known in the case of the head of any department of Her Majesty's Government. For it is not, nor can it rationally be supposed, that any Minister of the Crown is without trusted advisers ; and the Minister for India must, for obvious reasons, be more dependent than any other of Her Majesty's Ministers upon the advice of persons whose lives have been devoted to the subject on which their advice has been given. But in the case of India, such advisers are assigned to him by the constitution of the Government, and they are as much responsible for what they advise as he for what he ordains ;

while in other departments the Minister's only official advisers are the subordinates in his office —men often of great skill and experience, but not in the public eye ; often unknown to the public even by name ; official reserve precludes the possibility of ascertaining what advice they give, and they are responsible only to the Minister himself. By what application of terms this can be called responsible government, and the joint government of your petitioners and the India Board an irresponsible government, your petitioners think it unnecessary to ask.

That, without knowing the plan on which Her Majesty's Ministers contemplate the transfer to the Crown of the servants of the Company, your petitioners find themselves unable to approach the delicate question of the Indian army, further than to point out that the high military qualities of the officers of that army have unquestionably sprung in a great degree from its being a principal and substantive army, holding Her Majesty's commissions and enjoying equal rank with Her Majesty's officers, and your petitioners would earnestly deprecate any change in that position.

That your petitioners, having regard to all these considerations, humbly pray your Honourable House that you will not give your sanction to any change in the constitution of the Indian Government during the continuance of the present unhappy disturbances, nor without a full previous inquiry into the operations of the present system. And your petitioners further pray that this inquiry may extend to every department of Indian administration. Such an inquiry your petitioners respectfully claim, not only as a matter

of justice to themselves, but because, when, for the first time in this century, the thoughts of every public man in this country are fixed on India, an inquiry would be more thorough, and its results would carry much more instruction to the mind of Parliament and of the country, than at any preceding period.

25. *Viscount Palmerston, House of Commons, 12 February 1858*

I RISE, sir, in pursuance of the notice which has been given by Her Majesty's Government, to ask leave to introduce a Bill of first rate importance. I rise to ask leave to introduce a Bill for transferring from the East India Company to the Crown the government of Her Majesty's East Indian dominions. In making that proposal I feel myself bound, in the first place, to say that I do not do it in any spirit of hostility to the East India Company, or as meaning thereby to imply any blame or censure upon the administration of India under that corporation. I believe the East India Company has done many good things in India. I believe that its administration has been attended with great advantage to the population under its rule. And it is not on the ground of any delinquency on the part of the Company, but on the ground of the inconvenience and injurious character of the existing arrangements, that I propose this measure to the House. It is perhaps one of the most extraordinary facts in the history of mankind that these British Islands should have acquired such an extensive dominion in a remote part of the globe as that which we exercise over

the continent of India. It is indeed remarkable that those regions, in which science and art may be said to have first dawned upon mankind, should now be subject to the rule of a people inhabiting islands which, at a time when these eastern regions enjoyed as high a civilization and as great prosperity as that age could offer, were in a state of utter barbarism. That is a remarkable circumstance; but still more remarkable is it that these extensive dominions should have been gained not by the power of a nation as a nation, but by an association of individuals, by a mercantile community, supported, indeed, to a certain degree by the power and resources of their country, but mainly indebted for success to their own energy and enterprise. These two circumstances are undoubtedly singular in the history of the world, but it is quite as remarkable, quite as singular, that a nation like this, in which the science of government is perhaps better understood than in any other, in which the principle of popular representation has so long been established, should have deliberately consigned to the care of a small body of commercial men the management of such extensive territories, such vast interests, and such numerous populations. One could easily imagine that a wilderness in the northern part of America, where nothing lives except fur-bearing animals and a few wild Indians but little removed from the lower creation, might be confined to a company whose chief functions should be to strip the running animals of their fur, and to keep the bipeds sober; but that a great country like this should deliberately consign to the management of a mere commercial company, of a set of irresponsible

individuals, a great territory, occupied by different races, professing divers religions, and should place in their hands the determination of all the questions of peace and war and of international relations with independent princes, which must necessarily arise, is, I believe, a circumstance unexampled in the history of mankind. But this country never designedly did any such thing. The existing state of things grew up gradually from a very small beginning. The original settlers began with a factory, the factory grew into a fort, the fort expanded to a district, and the district to a province, and then came collisions with less civilized neighbours, injuries to be resented, attacks to be repelled, and conflicts which always ended in victory and extension of territory. So, gradually, from one transaction to another, grew up that state of things in which the East India Company found itself invested with vast commercial privileges and with most important political functions. This state of things continued up to the year 1784, when there was an infusion of responsibility in respect of its political administrative functions into the affairs of the Company by the establishment of the Board of Control. Matters went on under this new arrangement for a number of years, during which the Company continued, subject to a slight interference from the Board of Control, to discharge its political functions, and at the same time to exercise all its commercial rights. One would have imagined that in a country like this that first step would have been followed up; that before anything else was done the reflective British nation would have pursued the course inaugurated in 1784, and that, as the effect of the measure then

adopted was to limit to a certain degree the political functions of the Company, the next step would have been to take them away altogether, and to leave the Company in its original position as a trading association. However, it happens that in this country commercial matters often attract more attention and excite deeper interest than political affairs, and the next step was, not to meddle further with the political functions of the Company, but to take away all the commercial privileges which originally constituted the foundation of its existence. Accordingly, in the year 1833 the Company altogether ceased to be a commercial association, and became, one may say, but a phantom of its original body. It lost the commercial character for which it was originally founded, and continued to be merely a political instrument, by means of which the administration of India was carried on. Now, sir, I venture to think that the arrangement so made was a most inconvenient and most cumbrous arrangement. The principle of our political system is that all administrative functions should be accompanied by Ministerial responsibility—responsibility to Parliament, responsibility to public opinion, responsibility to the Crown; but in this case the chief functions in the government of India are committed to a body not responsible to Parliament, not appointed by the Crown, but elected by persons who have no more connexion with India than consists in the simple possession of so much India Stock. I think that that of itself is a most objectionable arrangement. In this country we are slow to make changes. The indisposition to make changes is wise and useful. As a general

principle it is wise, and nations do themselves great mischief by rapid and ill-considered alterations of their institutions. But equally unwise and equally injurious is it to cling to existing arrangements simply because they exist, and not to admit changes which can be made with advantage to the nation. What can be more cumbrous than the existing system of Indian administration which is called by the name of the 'double Government'? In the debates of 1853, when the last India Bill was passed, the right hon. gentleman the Member for Buckinghamshire (Mr. Disraeli) asked who was the Government of India, and to whom he was to look as the authority responsible for the administration of that vast empire. Why, sir, there is no responsibility, or rather there is a conflict of responsibility. The Directors possess a power paramount, as the right hon. gentleman said, to everything else, the power of recalling the Governor-General, by which any great system of policy may be at once interrupted. And they have this power, although the Governor-General must have been appointed by the Crown, and the appointment sanctioned by the Directors. The functions of Government and the responsibility have been divided between the Directors, the Board of Control, and the Governor-General in India; the Board of Control representing the government of the day, responsible to this House, responsible to public opinion, appointed by the Crown, and exercising functions delegated by it; the Court of Directors, elected by the gentlemen and ladies who happen to be holders of India Stock, many of whom are totally ignorant of everything relating to Indian interests, and perhaps knowing nothing

about Calcutta, Bombay, or Madras, except what they learn from the candidates for the directorship as to the presidency to which the cadetship is to belong which is promised in return for their votes. The directors are undoubtedly, in general, men of great experience and knowledge of India, but they are elected by a body of persons who have no peculiar faculty for choosing persons qualified to govern a great empire in the East. Then comes the Governor-General, invested with great, separate, and independent powers, and among these three authorities it is obvious that dispatch and unity of purpose can hardly by possibility exist. I won't trouble the House by going into a detailed explanation of the method in which business is done, because it is very well known to those hon. Members who have given their attention to Indian affairs, that before a dispatch upon the most important matter can go out to India it has to oscillate between Cannon Row and the India House; that it is proposed by one party, altered by the other, altered again by the first, and sent back to the other; and that the adventures of a dispatch between these two extreme points of the metropolis are often as curious as those *Adventures of a Guinea* of which we have all read. It is obvious that this system of check and counter-check must be attended with great inconvenience to the public service, and be productive of great delay. Take, for example, a body of twenty gentlemen generally agreeing in their views, and make ten of them sit at the east end of the town and the other ten in Westminster. Propose to them any question of average difficulty and importance, and the probability is that the two parties will come to

different conclusions, not being able to exchange opinions and arguments and to arrive at a common result. So it is with the Board of Control and the Court of Directors. The result in cases of material difference must necessarily be a middle term, satisfying the opinions of neither, carrying into effect the principle of neither, unsatisfactory therefore to both, and probably less advantageous to the public service than the opinion of either would have been had it been entirely adopted. Therefore I say that this system of check and countercheck may be carried too far. There is no doubt that certain checks are requisite in every political machine; but you may multiply your checks and counter-checks to such an extent that the functions of the machine, which are intended only to be controlled, are paralysed for every useful purpose. Then what, let me ask, is the position in which Her Majesty's Government stand in this House? When Indian questions are discussed, it is the constant habit of those who take part in the debate, criticizing and impugning what has been done, to hold Her Majesty's Government responsible for everything that occurs. But Her Majesty's Government cannot be fairly answerable for things over which they have not a perfect control, and which they cannot entirely direct. It frequently happens, indeed, that the Government of the day are made responsible for acts which were done without their consent, and probably in some cases much to their dissatisfaction. Take, for instance, a matter which has occupied the attention of the House, and which is to form part of the inquiries of the Committee which has been recently chosen—the hiring of vessels to carry troops to India. I will venture to say

that a majority of hon. gentlemen here imagine that the Government is the authority by which those arrangements are made. Not in the least. The East India Company is chargeable with the expense of transporting troops to India; it is the Company which takes up the ships, and not the Government; and, though the opinion of the Government must naturally have weight with the Company, these arrangements are not made by the officers of the Government, but by the officers of the East India Company itself. I say, then, it is most desirable that this complicated machine should be simplified and reduced in fact and form to that which it is imagined to be, but which it practically is not. I may be asked why we take this moment for proposing a change of system. The inconveniences of different systems of administration are forced upon the attention of the Government and the country from time to time by peculiar emergencies. Thus the arrangements of the military departments had existed in time of peace, but, though many felt that the division of the Ordnance into separate departments and the distinction between the War Office and the office of the Secretary of State for War were inconvenient, it was not until the war in the Crimea made the Government more directly sensible of the disadvantages of that complicated system that we altered the arrangements, and it was by means of the alterations carried out during the Crimean war that the consolidation was effected, by means of which we were enabled to carry on the struggle with Russia with far greater promptitude, vigour, and success than we should have been able to do if the old system had been continued. I say, then, that as far as regards the executive functions

of the Indian Government at home, it is of the greatest importance to vest complete authority where the public have a right to think that complete responsibility should rest, and that, whereas in this country there can be but one governing body responsible to the Crown, to Parliament, and to public opinion, consisting of the constitutional advisers of the Crown for the time being, so it is in accordance with the principles and practice of our constitution, as it would be in accordance with the best interests of the nation, that India, with all its vast and important interests, should be placed under the direct authority of the Crown, to be governed in the name of the Crown by the responsible Ministers of the Crown sitting in Parliament, and responsible to Parliament and the public for every part of their public conduct, instead of being, as now, mainly administered by a set of gentlemen who, however respectable, however competent for the discharge of the functions entrusted to them, are yet a totally irresponsible body, whose views and acts are seldom known to the public, and whether known or unknown, whether approved or disapproved, unless one of the Directors happens to have a seat in the House, are out of the range of Parliamentary discussion. Again, as regards our interests in India, I may state at once that the Bill which I am about to propose to the House is confined entirely and solely to a change in the administrative organization at home, and that we do not intend to make any alteration in the existing arrangements in India. In fact, if Parliament were to adopt the measure which we are about to propose, the only difference, as far as India is concerned, would be,

that the next dispatch would go out signed by the President and the Council for Indian affairs, instead of by the Court of Directors, and that the reply would be addressed to the President of the new Board, instead of to the Chairman of the body sitting in Leadenhall Street. Now, I believe there can be no doubt that, so far as the impression on the minds of the people of India is concerned, the name of the Sovereign of a great empire like this must be far more respected, far more calculated to produce moral and political impressions, than the name of a Company of merchants, however respectable and able they may be. We have to deal, in that country, with Princes, some ruling independently and some in a state of modified dependence upon us, and with feudal chiefs proud of their position, cherishing traditionary recollections of a wide empire, and of great Sovereigns to whom their ancestors owed allegiance. How can we expect such men to feel any great respect for a mere Company of merchants ? The respect they feel, the allegiance they yield, would be increased tenfold if the one were given and the other tendered to the Sovereign of a great and mighty empire. I believe, in fact, that what gives force to the Company in India is not the fame or authority of the Company itself, but the knowledge which the people have that behind the Company, and strengthening it, is the power of the British empire, and that, although the ruler may be an officer of a commercial association in name, the real power which they have to look up to is the power of the Sovereign of this great country. I am, therefore, satisfied that the transfer of the government of India to the Crown would, as far as its effect upon

the people of India is concerned, be equivalent to a large reinforcement of troops; that the impression which would be produced would be most advantageous, and would tend to consolidate and strengthen the moral and political influence of England in these vast regions of the world. What, then, is the arrangement which we are about to propose? We wish to alter things as little as we can consistently with the great object which we have in view. That object is to make the responsible advisers of the Crown answerable for the government of India as well for that of all other possessions of the Crown beyond seas. We wish that the affairs of India should be administered by Ministers responsible to Parliament for the manner in which that country is governed. We propose, therefore, that the functions of the Court of Directors, and, of course, of the Court of Proprietors, shall cease; that there shall be substituted for those bodies a President, assisted by a Council for the Affairs of India; that that President, of course, shall be a member of the Government, and shall be the organ of the Cabinet with reference to all matters relating to India; but, as men who have distinguished themselves in public life in this country, and who are likely from time to time, as changes of administration occur, to be placed at the head of that department, cannot be supposed to possess that detailed local knowledge which is essential to the wise government of the country, we propose that the President shall be assisted by a Council composed of persons named by the Crown, with the condition that they shall either have been Directors of the East India Company, have served for a certain period in India either in

a civil or military capacity, or have resided there a certain number of years unconnected with the local administration. We propose that that Council shall consist of eight members, that the members shall be appointed for eight years, and that two shall retire by rotation every second year, in order that successive administrations may have the means of renewing the Council from time to time by the introduction of persons returning from India with fresh knowledge and ideas. We think that while, on the one hand, the permanency of a Councillor for eight years will make him an independent adviser of the President, he will not on the other, by being appointed for life, block up the way to the accession of other persons who may from time to time appear more capable of serving the country. Of course, as the proposal is to transfer to the Government of the day full responsibility for the management of Indian affairs, and as the President will be the organ of the Cabinet upon Indian matters, just as the Secretary of State for the Colonies and the Secretary of State for Foreign Affairs are the organs of the Government in regard to the departments under their respective care, the decision of the President must be final in all matters which may be treated of in the Council. But, nevertheless, we propose that, if the Councillors differ in opinion from the President, they shall have the right to record that difference, together with their reasons, upon the Minutes of the Council, so as to be able to justify themselves afterwards for the advice they have given. The full power of the President, however, will not extend to matters involving increased expense to the Indian revenue; and, for purposes of that sort, it will be

necessary that he shall have the concurrence of four Councillors to any proposals which he may have to submit. In the temporary absence of the President a Secretary of State will be able to act for him, and four members of the Council will be a quorum for the transaction of business. We propose that the Council shall have the power of distributing among themselves the business which comes to them, so as to allot different departments of business to different Members of Council, who will, of course, make reports to the Council itself. We propose that the President shall be placed on the footing of a Secretary of State, and that the Councillors shall have a salary of £1,000 a year each. We propose that all powers now vested in the Court of Directors shall be transferred to this Council, and therefore, that all appointments which have hitherto been made by the Court of Directors or by other parties subject to the approbation of the Crown, shall be made by the Crown direct, but that all appointments in India which have hitherto been made by the local authorities shall continue to be made by those authorities; so that no part of the local Indian patronage will be transferred to the Government of this country. We propose that the President shall be able to appoint one Secretary, who shall be capable of sitting in this House. It will be convenient that a Cabinet Minister holding that situation shall have the assistance of a Secretary conversant with the business which may come under discussion; but we do not propose that the Councillors shall be capable of sitting in Parliament. We think there would be great inconvenience in such an arrangement; that they would become party men; that

they would necessarily associate with one side or the other in this House, and that, with changes of Administration, the relations between the President and the Councillors might then become exceedingly embarrassing. One point which has always attracted the attention of those who have considered these matters, and which has created even a very considerable constitutional difficulty, in any attempt to decide what would be the best system of Government for India, has been the question of patronage. Many men have said that they think the 'double Government' a cumbrous and antiquated machine, which ought to be done away with. That was the opinion in 1853 of a great number of those hon. gentlemen who took part in the discussion, but it was always said 'How can we manage with the patronage? We do not wish to increase the patronage of the Government, and we fear that this transfer of power would greatly augment the patronage of the Home Government.' Now, I have already said with regard to local appointments, all these appointments which have hitherto been made either by the Governor-General or by other authorities in India, will continue exactly as before to be made by them, the members of the local Council being named by the Governor-General instead of being named hence. An arrangement was made in 1853 by which all appointments to writerships were given up to open competition. That arrangement we shall of course maintain. Writerships, therefore, are beyond the range of patronage. The appointments to cadetships have hitherto been divided between members of the Court of Directors and the Presidents of the Board of Control. What we

propose is to leave the appointments to those cadetships as they have been hitherto. The reduction from the number of Directors to the number of Councillors will give somewhat more patronage to the Councillors, but the addition to the patronage of the President will be hardly perceptible. It must be remembered that hitherto we have had an enormous native army, and it does not seem probable that, for the future, we shall keep up that force at the same strength. As regards the civil appointments, they will remain matters of public competition, and as regards appointments to cadetships, they will be made, as I have stated, with, probably, the additional condition that the cadets shall be appointed to probation in some military College, their final appointments to regiments depending on the efficiency of their studies. There is one condition which we propose to attach to this distribution of cadetships—viz. that a certain proportion of first appointments, which we cannot fix in a Bill, but which must be left to the discretion of the Council from time to time, shall be reserved for the sons of civil and military officers who have served in India. According to that arrangement it will be seen that no addition of patronage will devolve upon the Executive Government of an amount which need excite the least constitutional jealousy on the part of the House of Commons. The army in India will consist, as heretofore, of Queen's troops, forming part of the regular army of this country, and local corps enlisted and confined to service in India. With regard to Queen's troops no change will be made. With regard to the others. they will be transferred to the Crown from the

service of the Company, subject to the same conditions of service as those under which they are enlisted, and if they dislike that change I think in common justice, they will be entitled to their discharge. It is proposed with regard to local military services, that the troops shall be paid out of the revenues of India, and that their services shall be limited to Asia so long as they are paid out of the Indian revenue. At present, I believe, the range of service for the Company's troops is co-extensive with the limits of the Company's charter, as far as any place eastward of the Cape. It is proposed that, if at any time a part of the local army shall be employed out of Asia, the troops shall then not be paid out of the Indian revenue. It will be left for this House to determine whether a force so employed shall be paid out of the revenue of this country, and whether their employment is consonant with what the interests of India may be. This will be a sufficient check against the employment of the Indian troops without the consent of Parliament. It is proposed that, whereas we transfer to this President of the Council the functions of the Court of Directors, and Board of Control, both of which will be abolished, the functions and powers of the Secret Committee, which govern matters involving great discretion and temporary secrecy, should be vested in the President, as representative of the responsible Minister of the Crown. But we propose that, in any case in which orders shall be sent to India involving the immediate commencement of hostilities, communications thereof shall be made to Parliament within one month, if Parliament be then sitting, or within one month after Parliament

shall next meet. That interval will allow a sufficient time to elapse to prevent injury to the public service from the too early publication of orders so issued ; while it will, at the same time, give Parliament an early opportunity of calling upon the Government for explanation of the causes which had led to such orders. Of course, it will be necessary that there should be an effective audit of the revenues of India and their application. It is required by this Bill that the revenue shall be applied solely for the purpose of government in India. It is proposed that an auditor shall be appointed, with the power of appointing assistant auditors, for the purpose of examining minutely the accounts of receipts and expenditure of Indian revenue, and that the accounts, when audited, shall be laid before Parliament for its consideration. Of course, power will be given to the President of the Council to issue to the Company such sums as may be necessary to defray the expenditure required for paying their dividends and keeping their books, until the Company determine whether they will or will not avail themselves of the option given them of being paid in a certain time for their stock. This then, sir, is, generally speaking, the outline of our measure. Of course, the details will come under the consideration of the House, if it should, as I trust it will, give us leave to bring in the Bill ; and when the Bill shall be in the hands of hon. members, they will then have to consider the details, such as I have described, as well as some other points, to which I have not thought it necessary to advert. But the question now to be considered is simply the great and large question, whether or not we shall transfer to the

executive and responsible Ministers of the Crown the direction of the affairs of our Indian territories, or whether that direction shall be left, as heretofore, under the cumbrous and complicated system described as the 'double government', which, in my opinion, is full of embarrassment, and not calculated to accomplish the purposes good government ought to have in view, and which, though continued heretofore, because no great events have called on Parliament to reconsider it, ought, I think, to be abolished without further delay. Now, I do not think I shall be met by any objections to this principle itself, because, when I recollect what has passed on former occasions in this House, and when I know what is the general opinion of the country on the point, I cannot persuade myself that we shall meet with any strong opposition to the general principle on which the measure is founded. When I look back to what passed in 1853, I find some of the leading Members of this House expressed strong opinions that the time must come, at no distant period, when an entire change ought to be made, and that the introduction of Government nominees into the East India Direction was only the first step to further and ulterior measures; and the only doubt was, whether a full measure ought not at that time to be adopted. But, whatever may have been the opinion of Parliament at that time, I am much mistaken as to the signs and indications of opinion in the country now if the nation at large has not made up its mind that this 'double Government' ought to cease. I am convinced that this is the opinion of the country; and great disappointment would be felt if this House should

negative the Bill upon an objection to the principle itself on which it is founded. We shall, no doubt, be met by a motion for delay, and be told that this is not the time for discussing the measure; that India is unsettled; that we should wait until a better moment, a calmer period, and until the difficulties in India are over. Why, that plea for delay is invariably the plea set up by those who are anxious to oppose that which they cannot resist directly, but which they wish to get rid of by the intermediate policy of proposing delay. Why, sir, what is the force of any argument of that kind? They say, 'Do not alter the machine of Government at a time when India is unsettled, and in difficulty, when you have not fully and finally got rid of the mutiny, and when you have not entirely re-established authority in every part of the country.' What does that argument amount to when it is analysed? It is said 'Do not change your Government now, because there is in India that to be done which is difficult to be accomplished, and which, therefore, it might require great power to accomplish.' Will, then, any man pretend that a single Government at home will not be a much more effectual instrument for the purpose than a double Government? Will any man pretend to tell me, that with a view to rapidity of discussion and execution, unity of purpose, and responsibility to the public, a Government administered by the responsible advisers of the Crown would not be a far more efficient instrument for everything to be done here than the existing conflict of checks and counter-checks, the system of previous communications and subsequent communications, of objections to a dispatch and its transfer by cabs from one

part of the town to another, by which delay was created, so that a dispatch, which ought to go out to-morrow, might not go out for a month, or be ready until it was too late to send it out. Why, no reasonable man will venture to get up and tell the House that the present machine can be so effective and so powerful a machine for administration at home as the machine we propose to substitute for it. Will any man acquainted with India tell me that the name of the Company —which is now pretty well seen through by all the natives in India—can have half, or the tenth part of the powerful influence the name of the Crown would carry with it ? I declare it is nonsense to say that the Indian chiefs would not feel ten times more respect for the Rajah of England than for the name of any unknown Company. Well, then, I say, if we look to England, the machine we propose to substitute is a much more powerful machine, and if we look to India it is a machine infinitely more influential than the existing one. Then we are told that there is a state of difficulty in India, and what is the proposal of those who want delay ? They say, that in order to overcome this difficulty, and to restore tranquillity in India, which we are told is a matter of great difficulty, and which will require great strength and power to effect, we should prolong the existence of the present weak instrument, instead of substituting for it a stronger, more powerful, and more effectual machine. In that argument there is no sense, I submit. However, we shall be told by some that the Government of India is a great mystery—that the unholy ought not to set foot in that temple—that the House of Commons should be kept aloof from any

interference in Indian affairs—that if we transfer the Government to the Ministers responsible to Parliament, we shall have Indian affairs made the subject and plaything of party passions in this House, and that great mischief would arise therefrom. I think that argument is founded on an overlooking of the fundamental principles of the British constitution. It is a reflection on the Parliamentary government. Why, sir, what is there in the management of India which is not mainly dependent on those general principles of statesmanship, which men in public life in this country acquire here, and make the guidance of their conduct? I do not think so ill of this House as to imagine that it would be disposed, for factious purposes, or for the momentary triumph of party, to trifle with the great interests of the country as connected with the administration of our Indian affairs. I am accustomed to think that the Parliament of this country does comprise in itself as much administrative ability, and as much statesmanlike knowledge and science, as are possessed by any number of men in any other country whatever; and I own, with all respect for the Court of Directors, that I cannot bring myself to think that the Parliament of England is less capable of wisely administering the great affairs of state in connexion with India than the Court of Directors in Leadenhall Street. I am not afraid to trust Parliament with an insight into Indian affairs. I believe, on the contrary, that if things have not gone on so fast in India as they might have done—if the progress of improvement has been somewhat slower than might have been expected, that effect has arisen from the circum-

stance that the public of England at large were wholly ignorant of Indian affairs, and had turned away from them, being daunted by the complications they imagined them to be involved in; and because Parliament has never had face to face, in this and the other House, men personally and entirely responsible for the administration of Indian affairs. No doubt a good deal has been done in the way of substantial improvement of late years, but that which has been done I may venture to say has been entirely the result of debates in this and the other House of Parliament. And, so far from any discussion on India having worked evil in India, I believe that the greater part of those improvements which the East India Directors boast of in that publication, which has lately issued from Leadenhall Street, has been the result of pressure on the Indian administration by debates in Parliament and discussions in the public press. Therefore, so far from being alarmed at the consequences which may arrive from bringing Indian affairs under the cognizance of Parliament, I believe that a great benefit to India, and through India to the British nation, will result therefrom. Therefore, I say, I see no reason, either on the score of principle or on the score of the augmentation of patronage, or on the score of time, or constitutional danger, why we should not at once pass the measure which it will be my duty to present to the House. Sir, I trust that Parliament will feel that great power is not given to nations without corresponding duties to be performed. We have, by an almost miraculous train of events, been entrusted with the care of the destinies of 150 or 160 millions of men—with the government,

directly or indirectly, of a vast empire larger in extent than the whole face of Europe, putting the Russian empire out of the question. That is a task which involves great responsibility. Do not imagine that it is the intention of Providence that England should possess that vast empire, and that we should have in our hand the destinies of that vast multitude of men, simply that we may send out to India the sons of gentlemen or of the middle classes to make a decent fortune to live on. That power has been entrusted to us for other and better purposes; and, without pointing to anything particular, I think it is the duty of this nation to use it in such a manner as to promote, as far as they can, the instruction, the enlightenment, and the civilization of those great populations which are now subject to our rule. We have lately had our attention called to scenes of barbarity in India, which would make any man shudder, but are we wholly irresponsible for those scenes? If, during the century for which we have exercised power in India, we had used that power to enlighten and civilize the people, do you think their nature would not, in some measure at least, have been changed, and that the atrocious crimes which they have committed would not have been as repugnant to their feelings as they are to those of the people of this country? We ought to bear these things in mind—to remember that we have a great duty to fulfil in India, and I am sure that that duty will be best discharged if we commit its performance to the hands of men who will be accountable to Parliament for their conduct, and who feel themselves bound to acquaint the public of this country, step by step, with the

arrangements which they make. I am confident, if Parliament should adopt the measure we are about to propose, that, while on the one hand it will add to the strength of our position in India, while it will increase the power of this country, and render our influence more firm and secure, it will, on the other hand, enable us more efficiently to perform those important duties which, in my view, it was intended that we should discharge when the great Indian empire was transferred to our control. Sir, I beg to move for leave to bring in a Bill for the better Government of India.

26. *Sir George Cornewall Lewis, House of Commons, 12 February 1858*

I NOW come to the other point in the petition of the Company; namely, their claiming credit for having exercised their government in India in a manner to command universal admiration, and to render it a model for all Governments on the face of the earth. This is the manner in which the Company speak of themselves in the petition presented to this House:

> 'They feel complete assurance that, the more attention is bestowed and the more light thrown upon India and its administration, the more evident it will become that the Government in which they have borne a part has been not only one of the purest in intention, but one of the most beneficent in act ever known among mankind.'

It must be acknowledged that the character which the Company bestow on themselves is not very remarkable for the moderation of its terms. Let us inquire how far this character rests on the evidence of facts. The Company may be said to have originated with respect to its power at the time of the union of the two Companies, which were con-

solidated in the reign of William III, and remained substantially a trading Company until the battle of Plassey was fought by Clive, who shortly after laid the foundations of the territorial sovereignty of Bengal, by the acquisition of the duannee. A few years after the Government of England began to make a claim on the Company for a share of their territorial acquisitions, and the Company came to compromise with the Government, by which they were to pay an annual sum of money, instead of, as proposed by Lord Clive to Lord Chatham, the Crown taking possession of the territorial acquisitions. This state of things continued for a few years, until the abuses prevailing in the administration of the Company attracted the attention of the legislature; and in 1773, under the Ministry of Lord North, was passed what was called the Regulating Act, by which Parliament first interfered with the local government of India. By this measure it was attempted to place a control, not on the Company in London, but on the local government in India. The members of the local council in India were named in the Act of 1773. Five members were named, and three went out from England to conduct the local government, two being at the time in India, one of whom was Warren Hastings. The result of that attempt at Parliamentary control was dissensions without end in the Council, duels between two of the members, and a conflict with the Supreme Court; and the experiment ended with a conviction on the part of Parliament that the endeavour to subject the local government to direct Parliamentary control was a complete failure. I should observe, that by the Act of 1773 power was taken for the Secretary

of State and the Board of Treasury to examine all the correspondence received in England from India. Even at that time the principle of Parliamentary control over the proceedings of the Company was established, and it is material for the House to observe the fact, inasmuch as an assumption is made in popular arguments that Parliament for the first time interfered to control the administration of the Company by the Act of 1784. That is a mistake, for by the Regulating Act of 1773 a control was taken for the Crown over the nomination of the members of the Council whenever any vacancies occurred ; and power also was taken for the Secretary of State and the Board of Treasury to inspect all correspondence received from India. In a few years, however, it was found that those powers were not sufficient, and, in 1781, Lord North carried a Bill by which he enlarged the superintending authority of the Government, and enabled them to control the correspondence sent from the Board of Directors to the authorities in India. This was, in fact, the germ of the system which was afterwards promulgated in Mr. Pitt's Act of 1784. Notwithstanding these successive interferences of Parliamentary control, it was found that the administration of India did not improve—complaints multiplied ; and committees of the House were appointed in 1782 and 1783, who made a long succession of reports, which any gentleman who may be curious to read old documents of that description will find included in four very large folio volumes, compared with which our modern blue books are quite puny and degenerate. The whole subject of the Indian administration was at that time investigated by two committees

of this House, one of them presided over by Mr. Burke and the other by Mr. Dundas, who was afterwards President of the Board of Control. Those committees made, I believe, not less than seventeen reports. I state that fact for the purpose of showing that, at the time to which I refer, the whole subject of Indian affairs underwent a most careful investigation by this House. Those, therefore, who suppose that the administration of the East India Company during the ten years from 1773 to 1784 was one course of uninterrupted prosperity must be singularly uninformed in the Parliamentary history of that period. I will take the liberty of reading an extract from resolutions which were moved in this House in 1784 by Mr. Burke, in which he describes the result of these Parliamentary inquiries; and if it were necessary, if the truth of what I am now stating should be disputed, I could produce a multitude of passages from the reports and from speeches made at that time which would support every one of the sweeping condemnations in the passages I am about to read. I ask the attention of the House to this summary of the investigations then made, inasmuch as I think it will show them how far the character which the Company give to themselves for their administration is true during the time when the administration was really that of the Company—when the pure, simple, unmixed management of the Company and their officers existed, with a very imperfect control, though with some control even then, on the part of the Executive Government. These are the terms of the resolution moved by Mr. Burke in 1784:

'The result of the Parliamentary inquiries has been that the East India Company was found totally corrupted and

totally perverted from the purposes of its institution, whether political or commercial; that the powers of war and peace given by the Charter had been abused by kindling hostilities in every quarter for the purposes of rapine; that almost all the treaties of peace they have made have only given cause to so many breaches of public faith; that countries once the most flourishing are reduced to a state of indigence, decay, and depopulation, to the diminution of our strength, and to the infinite dishonour of our national character; that the laws of this kingdom are notoriously and almost in every instance despised; that the servants of the Company, by the purchase of qualifications to vote in the general Court, and, at length, by getting the Company itself deeply in their debt, having obtained the entire and absolute mastery in the body by which they ought to have been ruled and coerced. Thus their malversations in office are supported instead of being checked by the Company. The whole of the affairs of that body are reduced to a most perilous situation; and many millions of innocent and deserving men who are under the protection of this nation, and who ought to be protected by it, are oppressed by a most despotic and rapacious tyranny. The Company and their servants have strengthened themselves by this confederacy, they have set at defiance the authority and admonitions of this House employed to reform them; and when this House had selected certain principal delinquents, whom they declared it the duty of the Company to recall, the Company held out its legal privileges against all reformation, positively refused to recall them, and supported those who had fallen under the just censure of this House with new and stronger marks of approbation.'

Now, I affirm that this language, strong as it may sound at this moment to a House not familiar with the scenes of rapine, of extortion, and of every species of abomination which had been brought out in evidence before the committees of 1782 and 1783, is a perfectly faithful representation of the opinions which prevailed in Parliament at that time with respect to the government of the East India Company. I most confidently maintain that this notion which has got abroad—this sentiment—of the

great debt of gratitude which we owe to the East India Company is one that was not only entirely unknown, but most alien to the feelings of the generation who knew what the Company was before Parliament had interfered to control it. I do most confidently maintain that no civilized Government ever existed on the face of this earth which was more corrupt, more perfidious, and more rapacious than the Government of the East India Company from the years 1765 to 1784. That was the interval between the period when it first acquired territorial sovereignty and the time when it was placed under Parliamentary control. During that interval the Company exercised the functions of trader and governor in combination, with most imperfect control on the part of the Government and Parliament of this country; and I appeal most confidently to the records of Parliament, to the evidence in the reports and documents of this House, for conclusive proof damnatory of the character of the East India Company as a political body. With these documents before me, I confess that I cannot read without astonishment the character which the Company have bestowed upon themselves, founded, as that character is, entirely upon their acts since the time when they were subjected to Parliamentary supervision—since the time when there has been a Board of Control to superintend the proceedings of the Directors in London—since the Governor-General and the other Governors of India have been appointed, not by the Directors themselves, but by the Crown and Executive Government of this country, subject to public opinion and to Parliamentary responsibility. Now, all that can be said in favour of the

Company dates from the year 1784. I challenge them to find one bright page in their annals during the whole period when they were not subject to Parliamentary control. It is by confounding the acts of two periods—by suppressing their conduct in bygone days, which have passed from the memory of the present generation, and the records of which are to be found chiefly in histories written by servants of the Company, and therefore not weighing with very great force on their misdoings —and by concentrating our vision upon subsequent times, when they had become a mere subordinate body acting under the control of the Executive Government,—that they are enabled to claim for themselves this extraordinary credit.

Now, let us briefly follow the history of the Company from the year 1784. We know that before that time Mr. Fox and Mr. Burke—the latter of whom had been the chairman of one of the committees to which I have referred—who was deeply impressed with the enormities of the Company's Government, and who, in the subsequent impeachment of Warren Hastings brought under the attention of the House of Lords, in speeches destined to be coeval with the English language, the misdeeds of the Governor whose acts he impugned—we know that Mr. Fox and Mr. Burke combined to frame the clauses of the first India Bill, which nearly annihilated the rule of the Company. There was not at that time any feeling of sympathy with the Company on the part of the people of this country; but the defeat of the measure was attributable to alarm respecting the Indian patronage, and to the belief that, as the Commissioners for India were named in the Bill,

and were the partisans of the Executive Government, an unconstitutional power would be conferred upon them. Notwithstanding this prejudice, the Bill passed the House of Commons, but it was thrown out by the House of Lords, in consequence, as was believed, of the personal influence of the King, who took alarm at the independent authority which he thought would be conferred by the measure upon his Minister. The Bill was not defeated from any sympathy on the part of the country with the Company; but Mr. Pitt, with great dexterity, took advantage of the alarm which that measure excited, from the notion that Mr. Fox intended to avail himself improperly of the power which the Bill would have conferred upon the Government, and the Ministry were defeated. The Government fell; Mr. Pitt succeeded them, and he introduced that system of a mixed government which has lasted in a certain form down to the present day. Any gentleman who will take the trouble to read the speech in which Mr. Pitt introduced his measure will see that he laid it down as a principle that there was an overwhelming and imperative necessity for legislating upon the subject of India—that the public opinion of that time absolutely required that the East India Company should not be left to continue in the exercise of its uncontrolled powers. Mr. Pitt, having thrown out the Government of Mr. Fox upon the previous Bill, left the East India Company in possession of its powers, both as respects the government and the trade, but he created a Board of Control which was to predominate in all respects over the acts of the Directors. Now the House will observe that the effect of the institution of that Board of Control

was wholly to alter the character of the East India Company. Up to this time the East India Company, with the exception of those rudiments of Parliamentary interference which I have described, was a trading Company, exercising sovereign powers over certain provinces in India. The institution of the Board of Control placed the East India Company at once, with respect to its governing powers, in a purely subordinate position. They were from that time bound to obey every order which the Board of Control chose to issue. They retained, no doubt, the initiative, and practically they continued to exercise great influence over the affairs of India, but legally and constitutionally they were reduced to perfect subordination, and they were placed completely under the control of this department of the Government. In 1793, Mr. Dundas, who was then President of the Board of Control, brought in a Bill of great length, in which he consolidated all the existing enactments on the subject of the Company, giving them greater definiteness and greater precision ; and he brought to complete perfection the system of the double government originated in 1784. He renewed the Company's charter for twenty years ; and in that condition it remained until the year 1813. In 1813 the opinions on the subject of free trade had spread more widely in the country, the impatience of the trading community at the double monopoly exercised by the East India Company made itself felt, and the Government of the day determined to propose the abolition of its monopoly of the trade with India, preserving, however, its monopoly of the China trade. That mighty change, so far as the East India Company were concerned, was introduced in 1813. They

were not prohibited from trading with India; but their monopoly was gone. That, in fact, was the first great stone struck out of the edifice of the East India Company. They had originally been merely a trading Company; their sovereign powers had come incidentally; they acquired incidentally great territorial revenues; but their main and paramount character was that of traders. If the House of Commons of that day had acted under the influence of feelings which we are told now we ought to respect,—if it had been the belief of the Parliament of that time that a boundless debt of gratitude was owing to the East India Company for their acquisitions of territory in India—can any one doubt that their trading monopoly would have been retained as one of the most precious flowers of their prerogative? Parliament, however, was bold enough to lay its profane hands on the ark of the East India Company, and they were deprived of the monopoly of the Indian trade. Deprived of the monopoly of the Indian trade, the Company was distanced by private traders, and I believe they exercised but little of their trading privileges after the time they lost their monopoly. But they retained the monopoly of the China trade for another twenty years. At last came the year 1833. In that year Mr. Charles Grant, now Lord Glenelg, was President of the Board of Control. In proposing the Bill of that year to the House of Commons he stated that the Government had two matters for consideration: one was whether the Company should retain their governing powers; the other, whether they should retain their trading powers. Some thought they should be deprived of both. The Government came to the conclusion

that the whole of their trading powers should be abolished by law, that they should cease altogether to be a trading Company, and that not only should their monopoly of the China trade be abolished, but that they should be prohibited by law from trading either with India or with China; but he stated, however, that the Government did not propose to interfere with the governing powers of the Company, subject, of course, to the control of the Executive Government.

Observe the changes which the East India Company had then undergone under the legislation of Parliament. Having originally been only a trading Company—having acquired incidentally governing powers, their governing powers were first placed under the control of a Board of the Executive Government, so that they became only subordinate governors; but they retained their original capacity for trade. In 1833 they were prohibited by law from trading, so that by that time they had lost altogether their original functions as traders, and they retained only a portion of governing power in a subordinate capacity. That was the change which under the legislation of Parliament the character and power of the East India Company underwent. Be it remarked that it was a constant diminution of authority and power, and a perpetual invasion of their functions, under the authority of Parliament. Again in 1833, the sentimental view of the question was altogether overlooked—nothing was heard of the debt of gratitude due to the East India Company, but in consequence of more enlightened views on the subject of freedom of trade which then prevailed, as well as of representations of the mercantile classes, the whole trade of China

and India was thrown open. The Company then obtained another lease of twenty years, expiring in 1853. During that time they were the mere ghost, as it were, of the former Company, which was once sovereign, which once enjoyed the monopoly of great branches of trade; they became a mere governing body of Directors, all their trading power was gone, and the controlling power and the appointment of their principal officers were vested in the Executive. They continued in that inferior position for twenty years under the control of the Government in England, the Ministry sending out instructions, and all the principal authorities of India being appointed, not by the Company as originally, but by Government. Then came the renewal of 1853. There was nothing in the circumstances of that time to call for interference. The twenty years had gone on in a manner not to incur the censure of the House or of the Government; in a greatly improved spirit, owing, as I must maintain, in contradiction to the allegations which have been made, to the vigilance of Parliament and to the effective control of the India Board. But even under those favourable circumstances Parliament did not renew the Charter without further invasion of the original constitution of the Company. By the Act of that year one-third of the Court of Directors was formed of nominees of the Crown, so that only two-thirds remained to be elected by the proprietors of India Stock; and there was good reason for this alteration. When the East India Company existed as traders to the East Indies it was reasonable that persons who subscribed their money to the common stock, and advanced their capital to carry on their ventures to

the East, should have a voice in the election of the Directors, exactly upon the same principle as applies to the direction of any other joint-stock company. It is the same principle by which shareholders of railway companies elect a board of Directors, or shareholders of the Bank of England, for example, elect the Directors of the Bank. But what was the position of the proprietors of East India Stock, with reference to the Government of India, after the Company had ceased to be a trading Company? Any person may become an East India proprietor by purchase of stock in the open market, and there is therefore now no necessary connexion between the members of the Court of Proprietors and the affairs of India. Originally the proprietors were persons who had advanced capital for carrying on trade with India; but at present they are only proprietors of so many shares of a guaranteed stock, and the purchase of that stock gives them no more real connexion with the affairs of India than the purchase of so much three per cent. stock. The constituency which elect the Board of Directors is an accidental body, and has no real relation with the interests or Government of India. The Board of Directors themselves are the mere spectre and phantom of that body which used to carry on the whole trade with India and China, and the proprietors are reduced to the condition of mere holders of an ordinary stock. This is the state to which successive legislative changes have brought that body. The fallacy which pervades the petition of the Company is this—It speaks of the East India Company as one and indivisible—as if from the time of the battle of Plassey down to the last renewal of the Charter

it had remained unchanged in character, functions, and influence. The truth is, that it has undergone as important changes during those hundred years as the English constitution between the Heptarchy and the reign of Queen Victoria. It is therefore the most transparent sophism—it is offering an insult to our understanding—to apply arguments founded upon the original and unchanged state of the Company to the Company in its modern and altered form.

27. *Robert Vernon Smith, House of Commons, 16 February 1858*

Mr. Vernon Smith said, that before the hon. member rose his noble friend (Viscount Palmerston) had requested him to postpone the motion of which he had given notice, in order that the House might proceed with the debate on the Indian Government Bill. The hon. gentleman declined to comply with this request, on the score that it was necessary to acquaint the House with certain information not then in its possession that it might be enabled the better to make up its mind on that Bill. He regretted extremely that the hon. member had taken that course, not that he had not been satisfied to hear his statement, but that it might as well have been introduced into the discussion on the India Bill, instead of forming a separate motion, and prolonging that discussion.

Mr. H. Baillie said, he had given notice of his motion long before the noble Lord's Bill was introduced.

Mr. Vernon Smith said: he was aware of that;

he did not object to the hon. gentleman's having given that notice, but thought that upon the appeal of his noble friend he might have delivered his speech, full, as it was, of documentary information, in the course of the other debate, particularly as he seemed to have used it for the purpose of expressing his opinion on a question upon which that debate turned. Indeed, he should collect from the hon. gentleman's address that the Ministry would have his vote in favour of their Bill, because he had found as much fault as possible with the existing Government of India. If any hon. gentleman thought that to condemn the Board of Control and the present system was at the same time to condemn the Bill of his noble friend they were totally mistaken. To find fault with the Board of Control as well as with the Court of Directors was, in fact, to find fault with the present system that the Bill had been introduced to amend.

He hoped that the hon. gentleman would not think him wanting in respect if he abstained from answering—or he should not say answering, inasmuch as he agreed in much that the hon. gentleman had said—but if he followed him at much less length than he had himself occupied in developing his ideas. Many of his views were backed by authorities to which he was not then prepared to reply, because he had not anticipated that the hon. gentleman would go at such great length into the subject. The notice which he gave was that he should 'call the attention of the House to the causes of the present outbreak in India', and he commenced by stating that it was very difficult to say what were those causes, because none of the men in England who were best qualified to

give opinions, including the hon. and gallant gentleman the member for Reigate (Sir Henry Rawlinson) whose advent to that House they had on the previous evening hailed with so much satisfaction, and the hon. member for Leominster (Mr. J. P. Willoughby), could describe them. Where the Directors, the ex-officio councillors of the State upon this subject, had feared to tread, the hon. gentleman has rushed in; but he himself had assigned only one cause for all the evil—the annexation of Oude. He had not canvassed any of those various supposed causes which were suggested last Session by the right hon. member for Bucks, and which he (Mr. Vernon Smith) and others had then discussed. It was singular, but it was notorious, that since that date we had not at all advanced towards a solution of this question; and that at the present moment not only the Government, who might be accused of ignorance and incompetency, but the most eminent men in India, were unable to say what were the causes of mutiny. Even Sir John Lawrence, the man whose opinions were most favourably received in that House, said that he was still ignorant of those causes, and that he could not satisfy himself that there was any conspiracy organized beforehand sufficient to account for the most extraordinary proceeding which had, perhaps, ever happened in history. The hon. gentleman then embarked upon an historical disquisition on the general Indian policy of late years, and he fixed upon the year 1833—probably because then the Ministers of the Crown became more responsible for the Government of India—as the date at which a new policy, what he called a policy of annexation,

was commenced. He found fault with the policy which had been pursued under the administrations of Lord William Bentinck, of Lord Auckland, of Lord Ellenborough, and of Lord Dalhousie; in fact, with all the noblemen who had administered the affairs of India between 1833 and the present year, and through them with the Governments of all parties who had been in office during that time. Now, no one, he imagined, would accuse either Lord William Bentinck or Lord Auckland of having pursued a policy of annexation, and therefore if such a policy had been adopted the blame must fall principally upon Lord Ellenborough and Lord Dalhousie. But the hon. gentleman was entirely mistaken, because he could not perceive that any such policy had been adopted or acted upon in India. A policy of annexation meant a policy of acquisition—a policy in accordance with which you should take possession of every territory which you could acquire either by conquest or cession. Now, although there had, from time to time, been acquisitions of territory in India, he did not believe that any Minister or any Governor-General had ever, either publicly or privately, laid down such a policy. Annexations were of two kinds, either to extend the frontier, or to absorb the State of a native prince, with whom we had a subsidiary treaty, and whose territory was in the interior of our own possessions. The hon. gentleman had referred to both species of annexation, but he had admitted that one kind was founded upon very sound policy. No one could doubt that, during the recent outbreak, we derived great advantage from having annexed the Punjab. Not only did the possession of that province prevent

our being attacked from that quarter, but the existence of large forces in the Punjab enabled us to strike at the mutineers much earlier, and more effectually, than we could otherwise have done. It was to those troops mainly that we owed the rapid suppression of the mutiny. The policy of annexation, as it was called, was a very doubtful one, and the only fair way was to judge of each acquisition of territory according to its own justification, and its own value. To a general policy of annexation, not merely he (Mr. Vernon Smith), but every man of sense, must be opposed, nor was it part of the spirit of any Court of Directors or of the Home Government; yet in spite of all the declarations, both oral and written, made by the Court of Directors and by different Ministers, almost every Governor-General had added something to our possessions. A man who went out to India in that position must go out with a desire for fame, and unfortunately, in India, fame was only to be obtained by the acquisition of territory. That was the great temptation to which Governors-General were exposed, and it was against that, therefore, that the Government at home ought mainly to exert themselves; but he thought that the hon. gentleman had failed to show that the Government at home had not discharged that duty. The hon. gentleman had endeavoured to distinguish between the Crown and the Court of Directors; but he contended that, in all cases of annexations, if there was any crime, the Crown and the Court of Directors had been equally culpable. In almost every case which he had mentioned they had gone hand in hand. The first mover was the Governor-General, but the backers and supporters of his

policy had always been the Court of Directors and the Crown. The hon. gentleman was not accurate when he stated that, with all these annexations, there had been no addition to the number of European troops in India. Although the increase had not been large, it was a fact that, since 1833, the number of Queen's troops had risen from 20,000 to 24,000, while there had also been an addition of three European regiments, one in each Presidency, to the army of the Company. The hon. gentleman might say that the increase was but small; but it had been made; and the reason why the increase had been so small, was, that up to the 10th May, 1857, we had always depended upon native troops. Our policy had been to make the natives so subservient there that they should form regiments of police to retain the countries which we had annexed; and it had been the admiration of all mankind that the Government of India had been able to do that which all other nations had failed in doing—not only to conquer the nations, but to compel the inhabitants themselves of the conquered countries to maintain our conquests. Proceeding with his history, the hon. gentleman said that the mutiny broke out because the natives saw that a favourable moment had arrived. He much questioned the accuracy of that expression, because he thought that the period of the Crimean war would have been a much more favourable opportunity than that which was selected for the commencement of this outbreak. The hon. gentleman complained that, at the same time that they were annexing Oude, the Government embarked in the Persian war. That was a matter of fact; but there was no apprehension of any outbreak in

Oude, and the Persian war had thrown no obstacle in the way of putting down the mutiny, because the troops which had returned from that expedition were the first which applied themselves to its suppression. That war he had, on a proper occasion, been prepared to defend, not only as having been justifiable and politic, but also as having greatly added to our prestige in India. He was sorry to hear the hon. gentleman say that the annexation of Oude was effected in a manner most discreditable to Lord Dalhousie, because neither in that House nor elsewhere had that noble lord been well treated by those who now objected to his policy. For nearly two years the annexation of Oude had been before the country, and had even been discussed in that House; yet it was now whispered that the Directors had nothing to do with it. That was totally and entirely incorrect. Lord Dalhousie, as the hon. gentleman had said with something of a sneer, received a pension, but that pension had not even been objected to in the House of Commons, except that an hon. gentleman had asked if the Court of Directors had power to grant it. The Court of Directors had thanked Lord Dalhousie, and as one of their reasons for thanks they mentioned the acquisition of Oude. The annexation of that country was effected by Lord Dalhousie with great ability. Such was the confidence of the Directors and of himself in the noble lord, that they left to him, as to the manner of the annexation, a latitude of discretion such as had hardly ever been left to a Governor-General; and they thought then, and still thought, that he had conducted that operation in the best, in the most manly, and in the most creditable manner possible.

The hon. gentleman said the notion of annexing Oude was not first entertained by Lord Dalhousie. That was true, for the idea of annexing Oude had existed since 1799. It was held by Lord Wellesley, and every succeeding Governor-General of India down to the time of Lord Dalhousie, not because it was one of the richest territories of India, but because it was in close neighbourhood to our own dominions, and one of the worst governed countries on the face of the earth. There were dispatches in the blue books detailing the horrors of the government of Oude, and, indeed, the materials on this point were so numerous that he could occupy the time of the House for hours without exhausting the subject. If the hon. gentleman wanted more information on this subject he would recommend him to read the revelations made by Colonel Sleeman, and see in the work called *The Private Life of an Eastern King* a true description of the condition of affairs under the King of Oude. The hon. gentleman asked if we could point out any difference between the state of Oude in 1801 and 1856. His reply was, it was those very fifty years during which matters had become so much worse in Oude, that at length the period arrived when it became absolutely necessary to put an end to a state of things that could no longer be tolerated. Lord Dalhousie, very naturally, having exercised a splendid reign in India, wished to close it by accomplishing an act which everybody had desired to accomplish, but which no one had ventured to grapple with but himself. The hon. gentleman contended that by the treaty of 1801 we were not entitled to deal in this way with the government of Oude. But Lord Dalhousie had shown in his

minute that by the third article the Nawab Vizier engaged that he

'Will establish, in his reserved dominions, such a system of administration, to be carried into effect by his own officers, as shall be conducive to the prosperity of his subjects and be calculated to secure the lives and property of the inhabitants; and his Excellency will always advise with and act in conformity to the counsel of the officers of the East India Company.'

The article was never complied with, and therefore had we not fair ground for saying that the treaty was broken on the part of the government of Oude? The hon. gentleman further said we had dealt unfairly with the King of Oude, and that he had no reason to expect he would receive such treatment from an ally like that of the government of India. Lord Dalhousie, it was true, bore testimony to the merit of the King of Oude as an ally; but how could he be otherwise than a faithful ally when we were supporting him upon his throne and supplying him with our soldiers? He was but too happy to gain these objects by rendering us in return some assistance; but all along his conduct was so bad that he was continually receiving warnings. He was warned in 1831 by Lord William Bentinck, who told him that:

'If the warning he then gave was disregarded it was his (the Governor-General's) intention to submit to the home authorities his advice that the British Government should assume the direct management of the Oude dominions.'

And His Majesty was informed that the Court of Directors had subsequently granted to the Governor-General the authority which he had asked for that purpose. He was again warned in 1847 by Lord Hardinge, who impressed upon the King 'the great

importance of making salutary and decisive changes in his administration ', and remarked :

' By wisely taking timely measures for the reformation of abuses as one of the first acts of your reign, you will, with honour to your own character, rescue your people from their miserable condition ; but if your Majesty procrastinates you incur the risk of forcing the British Government to interpose in the government of Oude.'

Lord Hardinge gave him two years to accomplish that object ; but still nothing was done. Lord Dalhousie gave him seven more ; nothing was done. Surely after that it was time to interfere. The oppression of his people of which he was guilty was the sole cause and a sufficient justification of that interference. The oppression he promised time after time to remedy and bring to an end ; but instead of doing so, his tyranny rose to such a pitch that it was no longer tolerable. Let the House reflect how that oppression was maintained. It was by British bayonets. It was by maintaining troops for his use that the King of Oude was enabled to tyrannize over his unfortunate people ; and when the question which Lord Dalhousie had to decide was, whether he would withdraw those troops and expose the country to anarchy and confusion, or take possession of the province, he thought he took the most manly course in deciding upon the latter alternative. If anarchy and confusion had prevailed in our immediate neighbourhood, it would have been evident to everybody that it was with our knowledge and cognizance, and every civilized State would have cried out upon us as the authors of the evil—every native State in India would have sneered at our pretensions to superior morality when they saw us conniving at a state of anarchy and disorder in the province of

Oude. Lord Dalhousie took the right course, therefore, when he assumed the government of Oude. The hon. gentleman pointed to this annexation of Oude as the chief, if not the only cause of the mutiny. Now, that might be so, and yet the act be justifiable in itself. It might possibly have led to consequences which were not foreseen at the time. Who did foresee what had happened in India? And if we were incapable of foreseeing all the mischief that ensued, he was perfectly willing that the annexation of Oude should be reckoned amongst those acts which we did, and did justly at the time, in our dream of the fidelity of the native army. But when the hon. gentleman pointed to the annexation of Oude as the cause of the mutiny, he (Mr. Vernon Smith) would call the attention of the House to dates. Oude was not the place where the mutiny broke out. It did not appear there till at least a month after it had broken out at Meerut. But it arose, he said, from the number of sepoys from Oude employed in the army. It was not easy to arrive at exact conclusions in matters of this kind, when it was so often found that what they considered logical results failed them; but it must be borne in mind that there were sepoys in the Bombay army, and in other parts of India, where they showed no disposition to rebel. But the Oude army subsisted on the plunder of the people of Oude, and were no doubt sorry to be deprived of it by the annexation; it was the destruction of monopoly, and very naturally those who had profited by the monopoly were discontented. But the advantage was all on the side of the people of Oude. There could be no doubt that the first account we had from Oude, after the

annexation, was that everything was proceeding tranquilly, and that the entire transfer of the provinces to the British dominions had been made, as was stated in one dispatch, without a single drop of blood being shed or even a single murmur. The hon. gentleman said that in 1833 there were secret orders given to the Governor-General to annex the kingdom of Oude. He spoke so positively on the subject, and seemed to have studied it so maturely that he (Mr. Vernon Smith) was loth to contradict him in making that assertion ; but he was able to say that when he made inquiry after this secret dispatch he was unable to find it. He inquired of Mr. Waterfield, one of the most experienced clerks to be found in any office under the Crown. He was all that time connected with the Secret Committee, but remembered nothing of such a dispatch. His noble friend (Lord Glenelg) had assisted him with his recollections while he was making his inquiries. His noble friend was President of the Board of Control at the time the hon. gentleman had referred to, but neither could he recollect any such dispatch. All he would now say was that if it could be found it would be produced to the House. He begged to observe, however, that the scheme of annexing Oude was always in contemplation, and that it was one to which no objection was made by the Court of Directors. When the hon. gentleman said Her Majesty's Government ordered Lord Dalhousie to carry out the annexation of Oude he was mistaken. Lord Dalhousie suggested the dealing with this question himself. He said :

'In addressing you upon this subject I would venture to urge upon you an early consideration and decision of

the question relating to Oude. From indications of your opinion upon this question, which already appear upon record, and from the nature of the case which has now been laid before you, it seems to me impossible that you can ultimately avoid having recourse to the measure which has been recommended for your immediate adoption. If under these circumstances you should consider that the experience of eight years will arm me with greater authority for carrying the proposed measure into effect than any Governor-General when first entering on the administration of this empire is likely to command, I beg permission to assure you that I am ready to undertake the duty.'

The hon. gentleman, therefore, could hardly assume that the Government originated the intention of dealing with Oude, though as regarded the act he was of course prepared to say that the government was responsible for it as well as the Court of Directors. General Low, who had always been opposed to annexation and who had been quoted by the member for Bucks, in the last Session, as the best authority against that policy, had put upon record a minute of his approval of the annexation of Oude, because of the shameful oppression of the people by the Government, the general infraction of the treaty by the King, and because the relative position of Great Britain to that kingdom differed from that in which it stood to any other native state. He also thought that such a step would prevent future misrule in Oude itself. General Outram, too, the Commissioner at Lucknow, who had stood up for the Ameers of Scinde, subscribed to the policy of annexing Oude, and every man at all acquainted with the country, whose authority was of any value, likewise approved of it It was upon the strength of their authority Government had acted, and was now prepared to take the responsibility.

Again, the hon. gentleman had told them that the Crown was responsible for most of the wars that had taken place. He (Mr. Vernon Smith) thought upon that point the hon. gentleman was completely mistaken. The only case on which the hon. gentleman had dwelt was that of the Afghan war. He (Mr. Vernon Smith) would call to his recollection a speech on that subject made recently at the India House by Mr. Prinsep, which he thought finally settled that question. Mr. Prinsep was at the time Secretary to the Council at Calcutta, and he positively objected in writing to that war, and yet he had the candour and fairness to state during the discussion the other day at the India House that for the Afghan war the Indian Government was as responsible as Her Majesty's Ministers. He (Mr. Vernon Smith) could only conclude that the hon. gentleman, in bringing forward this motion for the sake of showing that the Crown was not to be trusted with the management of Indian affairs, had only shown that the Board of Control was not to be so trusted, and that, he (Mr. Vernon Smith) contended, was an attack on the existing Government of India. The Board of Control might be as much to blame as the Court of Directors. It was against the union of those two powers that Her Majesty's Ministers had thought fit to act, and to introduce a Bill for the purpose of their abolition. With regard to the return moved for by the hon. gentleman, he did not know of anything in the papers called for which he should not be perfectly ready to produce ; but he believed the answer to the principal subjects indicated in the motion would be *nil*. With respect, for instance, to 'copies of a secret dispatch signed by the President of the

Board of Control in 1831, addressed to Lord William Bentinck, and ordering him to annex or otherwise assume the administration of the kingdom of Oude', he was told that it would be very difficult to find such a dispatch either at the India House or at the Board of Control. He might here remark, as a proof of the general ignorance that prevailed as to the India administration, that even the hon. gentleman (Mr. Baillie) himself, who at one time had the honour of a seat at the Board of Control, did not seem to be aware that by the forms of office at that Board the President did not sign any secret dispatches. He (Mr. Vernon Smith) believed that the 'dispatch (moved for) of Lord William Bentinck, explaining his reasons for not carrying those orders into effect', was already before Parliament. Copies of 'the correspondence which took place, through the Secret Department of the India House, between the President of the Board of Control and the Governor-General of India, in the years 1833, 1834, and 1835, in reference to the annexation of Oude', the hon. gentleman could also have if they could be produced; but he had already told the hon. gentleman that the letter of which he had spoken was to him (Mr. Vernon Smith) a perfect novelty. As to 'a copy of a note or minute, signed by Sir Henry Ellis, when a member of the Board of Control, explaining his reasons for dissenting from the projected annexation of Oude', that also might be produced, although the hon. gentleman must be aware that a minute made by a member of any Board, and not officially made, was rather in the nature of a private document. But he (Mr. Vernon Smith) was exceedingly anxious that the whole of the information which the hon. gentleman thought

necessary to elucidate the subject under discussion should be placed in his possession, and any of the papers indicated in the motion, he should be ready to produce if it was in his power to do so.

28. *Government of India Act, 1858 (21 & 22 Vict. c. 106)*

I. The Government of the territories now in the possession or under the Government of the East India Company, and all powers in relation to Government vested in or exercised by the said Company in trust for Her Majesty, shall cease to be vested in or exercised by the said Company; and all territories in the possession or under the government of the said Company, and all rights vested in or which if this Act had not been passed might have been exercised by the said Company in relation to any territories, shall become vested in Her Majesty, and be exercised in her name; and for the purposes of this Act India shall mean the territories vested in Her Majesty as aforesaid, and all territories which may become vested in Her Majesty by virtue of any such rights as aforesaid.

II. India shall be governed by and in the name of Her Majesty, and all rights in relation to any territories which might have been exercised by the said Company if this Act had not been passed shall and may be exercised by and in the name of Her Majesty as rights incidental to the Government of India; and all the territorial and other revenues of or arising in India, and all tributes and other payments in respect of any territories which would have been receivable by or in the name of the said Company if this act had not been passed, shall be

received for and in the name of Her Majesty, and shall be applied and disposed of for the purposes of the Government of India alone, subject to the provisions of this Act.

III. Save as herein otherwise provided, one of Her Majesty's Principal Secretaries of State shall have and perform all such or the like powers and duties over all officers appointed or continued under this Act, as might or should have been exercised or performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or by the direction or with the sanction or approbation of the Commissioners for the affairs of India in relation to such government or revenues, and the officers and servants of the said Company respectively, and also all such powers as might have been exercised by the said Commissioners alone; and any warrant or writing under Her Majesty's Royal Sign Manual, which by the Act of the session holden in the seventeenth and eighteenth years of Her Majesty, chapter seventy-seven, or otherwise, is required to be countersigned by the President of the Commissioner for the affairs of India, shall in lieu of being so countersigned be countersigned by one of Her Majesty's principal secretaries of State.

VI. In case Her Majesty be pleased to appoint a fifth Principal Secretary of State, there shall be paid out of the revenues of India to such Principal Secretary of State and to his Under Secretaries respectively the like yearly salaries as may for the time being be paid to any other of such Secretaries of State and his Under Secretaries respectively.

VII. For the purposes of this Act a council shall be established, to consist of fifteen members, and

to be styled the Council of India; and henceforth the Council in India now bearing that name shall be styled the Council of the Governor-General of India.

VIII. Within fourteen days after the passing of this Act the Court of Directors of the East India Company shall, from among the persons then being Directors of the said Company or having been theretofore such Directors, elect seven persons to be with the persons to be appointed by her Majesty as herein-after mentioned the first members of the Council under this Act, and the names of the persons so elected by the Court of Directors shall be forthwith, after such election, certified to the Board of Commissioners for the affairs of India, under the seal of the said Company, and it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, within thirty days after the passing of this Act, to appoint to be members of such Council eight persons: provided always that, if the Court of Directors of the East India Company shall refuse or shall for such fourteen days neglect to make such election of such seven persons, and to certify the names of such persons as aforesaid, it shall be lawful for Her Majesty, by warrant under Her Royal Sign Manual, within thirty days after the expiration of such fourteen days, to appoint from among the said Directors seven persons to make up the full number of the said Council: provided also that, if any person being or having been such Director, and elected or appointed as aforesaid, shall refuse to accept the office, it shall be lawful for Her Majesty, by warrant under Her Royal Sign Manual, to appoint in the place of every person so refusing some other person to be a member of the

Council, but so that nine members of the Council at the least shall be persons qualified as herein-after mentioned.

IX. Every vacancy happening from time to time among the members of the Council appointed by Her Majesty, not being members so appointed by reason of the refusal or neglect of the Court of Directors or the refusal to accept office hereinbefore mentioned, shall be filled up by Her Majesty, by warrant under Her Royal Sign Manual, and every other vacancy shall be filled up by the Council by election made at a meeting to be held for that purpose.[1]

X. The major part of the persons to be elected by the Court of Directors, and the major part of the persons to be first appointed by Her Majesty after the passing of this Act, to be members of the Council, shall be persons who shall have served or resided in India for ten years at the least, and (excepting in the case of late and present Directors and officers on the Home establishment of the East India Company who shall have so served or resided) shall not have last left India more than ten years next preceding the date of their appointment: and no person other than a person so qualified shall be appointed or elected to fill any vacancy in the Council unless at the time of the appointment or election nine at the least of the continuing members of the Council be persons qualified as aforesaid.

XI. Every member of the Council appointed or elected under this Act shall hold his office during good behaviour: provided that it shall be lawful

[1] The power of appointment was given to the Secretary of State by 32 & 33 Vict. c. 97, and the term reduced to ten years.

for Her Majesty to remove any such member from his office upon an address of both Houses of Parliament.

XII. No member of the Council appointed or elected under this Act shall be capable of sitting or voting in Parliament.

XIII. There shall be paid to each member of the Council the yearly salary of one thousand two hundred pounds, out of the revenues of India.

XIX. The Council shall, under the direction of the Secretary of State, and subject to the provisions of this Act, conduct the business transacted in the United Kingdom in relation to the Government of India and the correspondence with India, but every order or communication sent to India shall be signed by one of the Principal Secretaries of State; and, save as expressly provided by this Act, every order in the United Kingdom in relation to the Government of India under this Act shall be signed by such Secretary of State; and all dispatches from Governments and Presidencies in India, and other dispatches from India, which if this Act had not been passed should have been addressed to the Court of Directors or to their Secret Committee, shall be addressed to such Secretary of State.

XX. It shall be lawful for the Secretary of State to divide the Council into committees for the more convenient transaction of business, and from time to time to re-arrange such committees, and to direct what departments of the business in relation to the Government of India under this Act shall be under such committees respectively, and generally to direct the manner in which all such business shall be transacted.

XXI. The Secretary of State shall be the President of the Council, with power to vote, and it shall be lawful for such Secretary of State in Council to appoint from time to time any member of such Council to be Vice-President thereof, and any such Vice-President may at any time be removed by the Secretary of State.

XXII. All powers by this Act required to be exercised by the Secretary of State in Council, and all powers of the Council, shall and may be exercised at meetings of such Council, at which not less than five members shall be present, and at every meeting the Secretary of State, or in his absence the Vice-President, if present, shall preside, and in the absence of the Secretary of State and Vice-President, one of the members of the Council present shall be chosen by the members present to preside at the meeting; and such Council may act notwithstanding any vacancy therein: meetings of the Council shall be so convened and held when and as the Secretary of State shall from time to time direct; provided that one such meeting at least be held in every week.

XXIII. At any meeting of the Council at which the Secretary of State is present, if there be a difference of opinion on any question other than the question of the election of a member of Council, or other than any question with regard to which a majority of the votes at a meeting is hereinafter declared to be necessary, the determination of the Secretary of State shall be final; and in case of an equality of votes at any meeting of the Council, the Secretary of State, if present, and in his absence the Vice-President, or presiding member, shall have a casting vote; and all acts done at any

meeting of the Council in the absence of the Secretary of State, except the election of a member of the Council, shall require the sanction or approval in writing of the Secretary of State; and in case of difference of opinion on any question decided at any meeting, the Secretary of State may require that his opinion, and the reasons for the same, be entered in the minutes of the proceedings, and any member of the Council who may have been present at the meeting may require that his opinion, and any reason for the same that he may have stated at the meeting, be entered in like manner.

XXIV. Every order or communication proposed to be sent to India, and every order proposed to be made in the United Kingdom, by the Secretary of State under this Act, shall, unless the same has been submitted to a meeting of the Council, be placed in the Council room for the perusal of all members of the Council during seven days before the sending or making thereof, except in the cases hereinafter provided; and it shall be lawful for any member of the Council to record in a minute book, to be kept for that purpose, his opinion with respect to each such order or communication, and a copy of every opinion so recorded shall be sent forthwith to the Secretary of State.

XXV. If a majority of the Council record as aforesaid their opinions against any act proposed to be done, the Secretary of State shall, if he do not defer to the opinions of the majority, record his reasons for acting in opposition thereto.

XXIX. The appointments of Governor-General of India, fourth ordinary member of the Council of the Governor-General of India, and Governors of Presidencies in India, now made by the Court

of Directors with the approbation of Her Majesty, and the appointments of Advocate-General for the several Presidencies now made with the approbation of the Commissioners for the affairs of India, shall be made by Her Majesty by warrant under Her Royal Sign Manual; the appointments of the ordinary members of the Council of the Governor-General of India, except the fourth ordinary member, and the appointments of the Members of Council of the several Presidencies, shall be made by the Secretary of State in Council, with the concurrence of a majority of members present at a meeting[1]; the appointments of the Lieutenant-Governors of provinces or territories shall be made by the Governor-General of India, subject to the approbation of Her Majesty; and all such appointments shall be subject to the qualifications now by law affecting such offices respectively.

XXX. All appointments to offices, commands, and employments in India, and all promotions, which by law or under any regulations, usage, or custom, are now made by any authority in India, shall continue to be made in India by the like authority, and subject to the qualifications, conditions, and restrictions now affecting such appointments respectively; but the Secretary of State in Council, with the concurrence of a majority of members present at a meeting, shall have the like power to make regulations for the division and distribution of patronage and power of nomination among the several authorities in India, and the like power of restoring to their stations, offices, or employments, officers and servants suspended or

[1] This power was transferred to the Crown by 32 & 33 Vict. c. 97.

removed by any authority in India as might have been exercised by the said Court of Directors, with the approbation of the Commissioners for the affairs of India, if this Act had not been passed.

XL. The Secretary of State in Council, with the concurrence of a majority of votes at a meeting, shall have full power to sell and dispose of all real and personal estate whatsoever for the time being vested in Her Majesty under this Act, as may be thought fit, or to raise money on any such real estate by way of mortgage, and make the proper assurances for that purpose, and to purchase and acquire any land or hereditaments, or any interests therein, stores, goods, chattels, and other property. and to enter into any contracts whatsoever, as may be thought fit, for the purposes of this Act; and all property so acquired shall vest in Her Majesty for the service of the Government of India; and any conveyance or assurance of or concerning any real estate to be made by the authority of the Secretary of State in Council may be made under the hands and seals of three members of the Council.

XLI. The expenditure of the revenues of India, both in India and elsewhere, shall be subject to the control of the Secretary of State in Council, and no grant or appropriation of any part of such revenues, or of any other property coming into the possession of the Secretary of State in Council by virtue of this Act, shall be made without the concurrence of a majority of votes at a meeting of the Council.

LIII. The Secretary of State in Council shall, within the first fourteen days during which Parliament may be sitting next after the first day of May

in every year, lay before both Houses of Parliament an account for the financial year preceding that last completed of the annual produce of the revenues of India, distinguishing the same under the respective heads thereof, at each of the several Presidencies or Governments, and of all the annual receipts and disbursements at home and abroad on account of the Government of India, distinguishing the same under the respective heads thereof, together with the latest estimate of the same for the last financial year, and also the amount of the debts chargeable on the revenues of India, with the rates of interest they respectively carry, and the annual amount of such interest, the state of the effects and credits at each Presidency or Government, and in England or elsewhere, applicable to the purposes of the government of India, according to the latest advices which have been received thereof, and also a list of the establishment of the Secretary of State in Council, and the salaries and allowances payable in respect thereof, and if any new or increased salaries or pensions of fifty pounds a year or upwards have been granted or created within any year, the particulars thereof shall be specially stated and explained at the foot of the account of such year; and such account shall be accompanied by a statement prepared from detailed reports from each Presidency and district in India in such form as shall best exhibit the moral and material progress and condition of India in each such Presidency.

LIV. When any order is sent to India directing the actual commencement of hostilities by Her Majesty's forces in India, the fact of such order having been sent shall be communicated to both

Houses of Parliament within three months after the sending of such order, if Parliament be sitting, unless such order shall have been in the meantime revoked or suspended, and if Parliament be not sitting at the end of such three months, then within one month after the next meeting of Parliament.

LV. Except for preventing or repelling actual invasion of Her Majesty's Indian possessions, or under other sudden and urgent necessity, the revenues of India shall not, without the consent of both Houses of Parliament, be applicable to defray the expenses of any military operation carried on beyond the external frontiers of such possessions by Her Majesty's forces charged upon such revenues.

LVI. The military and naval forces of the East India Company shall be deemed to be the Indian military and naval forces of Her Majesty, and shall be under the same obligations to serve Her Majesty as they would have been under to serve the said Company, and shall be liable to serve within the same territorial limits only, for the same terms only, and be entitled to the like pay, pensions, allowances, and privileges, and the like advantages as regards promotion and otherwise, as if they had continued in the service of the said Company: such forces, and all persons hereafter enlisting in or entering the same, shall continue and be subject to all Acts of Parliament, laws of the Governor-General of India in Council, and articles of war, and all other laws, regulations, and provisions relating to the East India Company's military and naval forces respectively, as if Her Majesty's Indian military and naval forces respectively had throughout such acts, laws, articles, regulations,

and provisions been mentioned or referred to, instead of such forces of the said Company; and the pay and expenses of and incident to Her Majesty's Indian military and naval forces shall be defrayed out of the revenues of India.

LVII. Provided that it shall be lawful for Her Majesty from time to time by order in Council to alter or regulate the terms and conditions of service under which persons hereafter entering Her Majesty's Indian forces shall be commissioned, enlisted, or entered to serve, and the forms of attestation and of the oath or declaration to be used and taken or made respectively on attesting persons to serve in Her Majesty's Indian forces shall be such as Her Majesty with regard to the European forces, and the Governor-General of India in Council with regard to the native forces, shall from time to time direct: provided. that every such order in Council shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be sitting, and, if Parliament be not sitting, then within fourteen days after the next meeting thereof.

LXV. The Secretary of State in Council shall and may sue and be sued as well in India as in England by the name of the Secretary of State in Council as a body corporate; and all persons and bodies politic shall and may have and take the same suits, remedies, and proceedings, legal and equitable, against the Secretary of State in Council of India as they could have done against the said Company; and the property and effects hereby vested in Her Majesty for the purposes of the Government of India, or acquired for the said purposes, shall be subject and liable to the same

judgements and executions as they would while vested in the said Company have been liable to in respect of debts and liabilities lawfully contracted and incurred by the said Company.

LXVII. All treaties made by the said Company shall be binding on Her Majesty, and all contracts, covenants, liabilities, and engagements of the said Company made, incurred, or entered into before the commencement of this Act may be enforced by and against the Secretary of State in Council in like manner and in the same Courts as they might have been by and against the said Company if this Act had not been passed.

29. *Proclamation by the Queen to the Princes, Chiefs, and the People of India, 1 November, 1858*

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof in Europe, Asia, Africa, America, and Australasia, Queen, Defender of the Faith,

Whereas, for divers weighty reasons, we have resolved, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, to take upon ourselves the government of the territories in India, heretofore administered in trust for us by the Honourable East India Company.

Now, therefore, we do by these presents notify and declare that, by the advice and consent aforesaid, we have taken upon ourselves the said government; and we hereby call upon all our subjects within the said territories to be faithful, and to

bear true allegiance to us, our heirs and successors, and to submit themselves to the authority of those whom we may hereafter, from time to time, see fit to appoint to administer the government of our said territories, in our name and on our behalf.

And we, reposing especial trust and confidence in the loyalty, ability, and judgement of our right trusty and well-beloved cousin Charles John, Viscount Canning, do hereby constitute and appoint him, the said Vicount Canning, to be our first Viceroy and Governor-General in and over our said territories, and to administer the government thereof in our name, and generally to act in our name and on our behalf, subject to such orders and regulations as he shall, from time to time, receive through one of our Principal Secretaries of State.

And we do hereby confirm in their several offices, civil and military, all persons now employed in the service of the Honourable East India Company, subject to our future pleasure, and to such laws and regulations as may hereafter be enacted.

We hereby announce to the native princes of India, that all treaties and engagements made with them by or under the authority of the East India Company are by us accepted, and will be scrupulously maintained, and we look for the like observance on their part.

We desire no extension of our present territorial possessions; and, while we will permit no aggression upon our dominions or our rights to be attempted with impunity, we shall sanction no encroachment on those of others.

We shall respect the rights, dignity, and honour of native princes as our own; and we desire that they, as well as our own subjects, should enjoy

that prosperity and that social advancement which can only be secured by internal peace and good government.

We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and those obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fill.

Firmly relying ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, we disclaim alike the right and the desire to impose our convictions on any of our subjects. We declare it to be our royal will and pleasure that none be in any wise favoured, none molested or disquieted, by reason of their religious faith or observances, but that all shall alike enjoy the equal and impartial protection of the law; and we do strictly charge and enjoin all those who may be in authority under us that they abstain from all interference with the religious belief or worship of any of our subjects on pain of our highest displeasure.

And it is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to office in our service, the duties of which they may be qualified by their education, ability, and integrity duly to discharge.

We know, and respect, the feelings of attachment with which the natives of India regard the lands inherited by them from their ancestors, and we desire to protect them in all rights connected therewith, subject to the equitable demands of the State; and we will that generally, in framing and administering the law, due regard be paid to the ancient rights, usages, and customs of India.

We deeply lament the evils and misery which have been brought upon India by the acts of ambitious men, who have deceived their countrymen by false reports, and led them into open rebellion. Our power has been shown by the suppression of that rebellion in the field; we desire to show our mercy by pardoning the offences of those who have been misled, but who desire to return to the path of duty.

Already, in one province, with a desire to stop the further effusion of blood, and to hasten the pacification of our Indian dominions, our Viceroy and Governor-General has held out the expectation of pardon, on certain terms, to the great majority of those who, in the late unhappy disturbances, have been guilty of offences against our Government, and has declared the punishment which will be inflicted on those whose crimes place them beyond the reach of forgiveness. We approve and confirm the said act of our Viceroy and Governor-General, and do further announce and proclaim as follows:

Our clemency will be extended to all offenders, save and except those who have been, or shall be, convicted of having directly taken part in the murder of British subjects. With regard to such the demands of justice forbid the exercise of mercy.

To those who have willingly given asylum to murderers, knowing them to be such, or who may have acted as leaders or instigators of revolt, their lives alone can be guaranteed; but, in apportioning the penalty due to such persons, full consideration will be given to the circumstances under which they have been induced to throw off their allegiance; and large indulgence will be shown to those whose

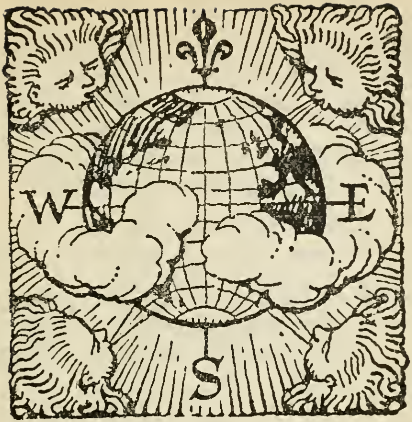
crimes may appear to have originated in too credulous acceptance of the false reports circulated by designing men.

To all others in arms against the Government we hereby promise unconditional pardon, amnesty, and oblivion of all offences against ourselves, our crown and dignity, on their return to their homes and peaceful pursuits.

It is our royal pleasure that these terms of grace and amnesty should be extended to all those who comply with these conditions before the first day of January next.

When, by the blessing of Providence, internal tranquillity shall be restored, it is our earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement, and to administer the government for the benefit of all our subjects resident therein. In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward. And may the God of all power grant to us, and to those in authority under us, strength to carry out these our wishes for the good of our people.

END OF VOL. I



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AINSWORTH (W. HARRISON). The Tower of London (162).
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Peacock (T. L.). Headlong Hall; and Nightmare Abbey (339). Misfortunes of Elphin; and Crotchet Castle (244).

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CONGREVE. Letters, in Volume II. See under *Drama* (277).
COWPER. Letters. Selected, with Intro., by *E. V. Lucas* (138).
DUFFERIN (LORD). Letters from High Latitudes. Illustrated (158).
GRAY (THOMAS). Letters. Selected by *John Beresford* (283).
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KEBLE. The Christian Year (181).
LONGFELLOW. Hiawatha, Miles Standish, Tales of a Wayside Inn, &c. (174).
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MILL (JOHN STUART). On Liberty, Representative Government, and the Subjection of Women (170).
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HAWTHORNE (NATHANIEL). Tales (319).

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TROLLOPE. Tales of all Countries (397).

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BORROW (GEORGE). The Bible in Spain (75). Wild Wales (224). Lavengro (66). Romany Rye (73).

DUFFERIN (LORD). Letters from High Latitudes (158).

MELVILLE (HERMAN). Typee (294). Omoo (275).

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INDEX OF AUTHORS, ETC.

Addison, 6.
Aeschylus, 5.
Africa, Stories of, 13.
Ainsworth (W. Harrison), 8.
À Kempis (Thomas), 13.
Aksakoff (Serghei), 4.
American Criticism, 4, 10.
American Verse, 4.
Ancient Law, 13.
Apocrypha, The (Revised Version), 13.
Aristophanes, 5.
Arnold (Matthew), 11.
Aurelius (Marcus), 11, 13.
Austen (Jane), 8.
Austrian Short Stories, 13.

Bacon (Francis), 11.
Bagehot (Walter), 12.
Barham (Richard), 11.
Barrow (Sir John), 10.
Beaumont and Fletcher, 6.
Blackmore (R. D.), 8.
Blake (William), 11.
Borrow (George), 3, 14.
British Colonial Policy, 13.
Foreign Policy, 13.
Brontë Sisters, 8, 11.
Browning (Eliz. Barrett), 11.
Browning (Robert), 6, 11.
Buckle (T. H.), 10, 12.
Bunyan (John), 8.
Burke, 12.
Burns (Robert), 11.
Butler, 8.
Byron (Lord), 11.

Carlyle (Thomas), 5, 6, 10.
Cellini (Benvenuto), 4.
Cervantes, 8.
Chaucer, 11.
Chesterfield, 10.
Cobbold (Richard), 8.
Coleridge (S. T.), 10, 11.
Collins (Wilkie), 8.
Colman, 6.
Confucius, 13.
Congreve (William), 6, 11.
Cooper (J. Fenimore), 8.
Cowper (William), 10.
Crabbe, 5.
Crime and Detection, 13.
Critical Essays, 3, 7, 10.
Czech Tales, 13.

Dante, 3, 11.
Darwin (Charles), 11.
Defoe (Daniel), 8.
Dekker, 6.
De Quincey (Thomas), 4.
Dickens (Charles), 8, 14.
Disraeli (Benjamin), 8.
Dobson (Austin), 5, 7, 11.
Don Quixote, 8.
Dryden, 5, 6.
Dufferin (Lord), 10, 14.

Eighteenth-Century Comedies, 6.
Eliot (George), 8.
Elizabethan Comedies, 6.
Emerson (R. W.), 7.
English Critical Essays, 7, 10.
English Essays, 3, 4.
English Prose, 4.
English Short Stories, 3, 4, 14.
English Songs and Ballads, 4, 11.
English Speeches, 12.
English Verse, 4, 11.

Farquhar, 6.
Fielding (Henry), 6, 8.
Four Gospels, 13.
Francis (St.), 5, 11.
Franklin (Benjamin), 4.
French Short Stories, 14.
Froude (J. A.), 7.

Galt (John), 8.
Gaskell (Mrs.), 5, 8, 14.
Gay, 6.
German Short Stories, 14.
Ghosts and Marvels, 14.
Gibbon (Edward), 4, 10.
Gil Blas, 9.
Goethe, 6, 11, 12.
Goldsmith (Oliver), 6, 8, 11.
Gray (Thomas), 10.

Harris (J. C.), 8.
Harte (Bret), 14.
Hawthorne (Nathaniel), 8, 14.
Haydon (B. R.), 5.
Hazlitt (William), 5, 7, 10.
Herbert (George), 11.
Herrick (Robert), 11.
Holme (Constance), 9.
Holmes (Oliver Wendell), 7.
Homer, 5, 12.
Hood (Thomas), 12.
Horne (R. H.), 7.
Houghton (Lord), 5.
Hunt (Leigh), 5, 7.

Ibsen (Henrik), 6, 12.
Inchbald (Mrs.), 6.
Ingoldsby Legends, 11.
Irving (Washington), 7, 10, 14.

Johnson (Samuel), 5, 10.

Keats, 12.
Keble (John), 12.
Keith (A. B.), 13.
Kingsley (Henry), 9.
Koran, The, 13.

Lamb (Charles), 7.
La Motte Fouqué, 9.
Landor (W. S.), 7.
Le Fanu (J. S.), 9.
Lesage, 9.
Longfellow (H. W.), 12.

Macaulay (T. B.), 10, 12.
Machiavelli, 13.
Maine, Sir Henry, 13.
Marcus Aurelius, 11, 13.
Marlowe (Christopher), 6, 12.
Marryat (Captain), 9.
Massinger, 6.
Maude (Aylmer), 3, 5.
Meinhold (J. W.), 9.
Melville (Herman), 9, 14.
Mill (John Stuart), 5, 13.
Milton (John), 7, 12.
Montaigne, 7.
More (Paul Elmer), 10.
Morier (J. J.), 9, 14
Morris (W.), 12.
Morton, 6.
Motley (J. L.), 10.
Murphy, 6.

Narrative Verse, 4, 12.
Nekrassov, 12.
New Testament, 13.

Old Testament, 13.
Otway, 6.

Palgrave (F. T.), 4.
Pamphlets and Tracts, 4.
Peacock (T. L.), 9.
Peacock (W.), 4.
Persian (From the), 14.
Poe (Edgar Allan), 14.
Polish Tales, 14.
Prescott (W. H.), 10.
Pre-Shakespearean Comedies, 6.

Rabelais, 3, 9.
Reading at Random, 4.
Redman (B. R.), 4.
Restoration Tragedies, 6.
Reynolds (Frederick), 6.
Reynolds (Sir Joshua), 7.
Rossetti (Christina), 12.
Rowe, 6.
Ruskin (John), 7, 13.
Russian Short Stories, 14.
Rutherford (Mark), 7.

Sainte-Beuve, 10.
Scott (Sir W.), 5, 9, 12, 14.
Scottish Verse, 4, 12.
Shakespeare, 6, 12.
Shakespeare Criticism, 10.
Shakespeare's Predecessors and Contemporaries, 6.
Shelley, 12.
Sheridan (R. B.), 6.
Smith (Adam), 13.
Smith (Alexander), 7.
Smollett (T.), 7, 9, 14.
Sophocles, 5.
Southerne, 6.
Southey (Robert), 10.
South Seas, Short Stories of, 14.
Spanish Short Stories, 14.
Steele, 6.
Sterne (Laurence), 7, 9, 14.
Stevenson (R. L.), 7, 9.
Sturgis, 9.
Swift (Jonathan), 9.

Taylor (Meadows), 9.
Tennyson (Lord), 12.
Thackeray (W. M.), 9.
Thoreau (H. D.), 7.
Three Dervishes, The, 14.
Tolstoy, 3, 5, 6, 7, 9, 11, 13, 14.
Tracts and Pamphlets, 4, 8.
Trevelyan, 5.
Trollope (Anthony), 3, 5, 9, 14.

Virgil, 5, 12.

Walton (Izaak), 5, 8.
Watts-Dunton (Theodore), 9.
Webster, 6.
Wells (Charles), 12.
Wells (H. G.), 4.
Wharton (Edith), 9.
White (Gilbert), 8, 10.
Whitman (Walt), 8, 12.
Whittier (J. G.), 12.
Wordsworth (William), 12.

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